ESTTA Tracking number:

ESTTA291552 06/24/2009

Filing date:

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177807	
Party	Plaintiff 7-Eleven, Inc.	
Correspondence Address	Charles R. Mandly, Jr. Foley & Lardner LLP 321 North Clark Street Chicago, IL 60610 UNITED STATES cmandly@foley.com, cfochler@foley.com, ptomailchicago@Foley.com, dcopland@foley.com	
Submission	Motion for Summary Judgment	
Filer's Name	Jason A. Berta	
Filer's e-mail	PTOMailChicago@foley.com,cmandly@foley.com,jberta@foley.com,dcopland@foley.com,jolsen@foley.com	
Signature	/JasonBerta/	
Date	06/24/2009	
Attachments	Olsen Declaration and Exhibits 1-35.pdf ( 242 pages )(6938291 bytes ) Olsen Exhibits 36-41.pdf ( 40 pages )(7785888 bytes ) Olsen Exhibit 42.pdf ( 156 pages )(2951710 bytes )	

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

7-ELEVEN, INC.,	)	
Opposer,	)	
V.	)	Opposition No. 91177807
SUSAN B. BUCENELL,	)	Serial No. 78/916,143
Applicant.	)	

### **DECLARATION OF JEAN M. OLSEN**

I, Jean M. Olsen, under penalty of perjury under the laws of the United States, declare:

- 1. I am a legal assistant with Foley & Lardner, LLP, counsel to Opposer, 7-Eleven, Inc., and I have personal knowledge of the facts set forth herein.
- 2. Attached hereto as Exhibit 1 is a true and correct copy of the Trademark Electronic Search System ("TESS"), Trademark Applications and Registrations Retrieval ("TARR"), and Assignment Information ("AI") records for United States Trademark Registration No. 1,110,172 which I obtained by accessing the website of the United States Patent and Trademark Office and printing on June 3, 2009.
- 3. Attached hereto as Exhibit 2 is a true and correct copy of the TESS, TARR, and AI records for United States Trademark Registration No. 1,470,871 which I obtained by accessing the website of the United States Patent and Trademark Office and printing on June 3, 2009.
- 4. Attached hereto as Exhibit 3 is a true and correct copy of the TESS, TARR, and AI records for United States Trademark Registration No. 1,566,263 which I obtained by accessing the website of the United States Patent and Trademark Office and printing on June 3, 2009.

- 5. Attached hereto as Exhibit 4 is a true and correct copy of the TESS, TARR, and AI records for United States Trademark Registration No. 1,615,968 which I obtained by accessing the website of the United States Patent and Trademark Office and printing on June 3, 2009.
- 6. Attached hereto as Exhibit 5 is a true and correct copy of the TESS, TARR, and AI records for United States Trademark Registration No. 1,586,016 which I obtained by accessing the website of the United States Patent and Trademark Office and printing on June 3, 2009.
- 7. Attached hereto as Exhibit 6 is a true and correct copy of the TESS, TARR, and AI records for United States Trademark Registration No. 2,749,708 which I obtained by accessing the website of the United States Patent and Trademark Office and printing on June 3, 2009.
- 8. Attached hereto as Exhibit 7 is a true and correct copy of the TESS, TARR, and AI records for United States Trademark Registration No. 2,997,248 which I obtained by accessing the website of the United States Patent and Trademark Office and printing on June 3, 2009.
- 9. Attached hereto as Exhibit 8 is a true and correct copy of the TESS, TARR, and AI records for United States Trademark Registration No. 2,494,955 which I obtained by accessing the website of the United States Patent and Trademark Office and printing on June 3, 2009.
- 10. Attached hereto as Exhibit 9 is a true and correct copy of the TESS, TARR, and AI records for United States Trademark Registration No. 2,528,578 which I obtained by accessing the website of the United States Patent and Trademark Office and printing on June 3, 2009.

- 11. Attached hereto as Exhibit 10 is a true and correct copy of the TESS, TARR, and AI records for United States Trademark Registration No. 2,928,007 which I obtained by accessing the website of the United States Patent and Trademark Office and printing on June 3, 2009.
- 12. Attached hereto as Exhibit 11 is a true and correct copy of the TESS, TARR, and AI records for United States Trademark Registration No. 3,076,786 which I obtained by accessing the website of the United States Patent and Trademark Office and printing on June 3, 2009.
- 13. Attached hereto as Exhibit 12 is a true and correct copy of the TESS, TARR, and AI records for United States Trademark Registration No. 3,082,886 which I obtained by accessing the website of the United States Patent and Trademark Office and printing on June 3, 2009.
- 14. Attached hereto as Exhibit 13 is a true and correct copy of a letter from applicant Susan B. Bucenell dated January 9, 2008 and received by 7-Eleven's counsel on January 14, 2008.
- 15. Attached hereto as Exhibit 14 is a true and correct copy of Applicant's Answers and Objections to Opposer's First Set of Interrogatories dated October 1, 2007 and received by 7-Eleven's counsel shortly thereafter.
- 16. Attached hereto as Exhibit 15 is a true and correct copy of an email message produced by Applicant to Opposer and received by 7-Eleven's counsel on January 14, 2008.
- 17. Attached hereto as Exhibit 16 is a true and correct copy of a letter from applicant Susan B. Bucenell dated May 19, 2008 and received by 7-Eleven's counsel shortly thereafter.
- 18. Attached hereto as Exhibit 17 are photographs of bottles produced by Applicant to Opposer and received by 7-Eleven's counsel on November 26, 2007.

- 19. On June 4, 2009, I accessed the WHOIS database for domain name registrar Regiser.com and printed out the WHOIS domain name registration record for the Internet domain name HEALTHYGULP.com. Attached hereto as Exhibit 18 is a true and correct copy of said WHOIS record.
- 20. On June 5, 2009, I accessed the web site associated with the domain name SQWINCHER.com and downloaded and printed out pdf files from that web site. Attached hereto as Exhibit 19 are true and correct copies of these print outs.
- 21. On June 4, 2009, I accessed the web site associated with the domain name HEALTHYGULP.com and printed out pages from that web site. Attached hereto as Exhibit 20 are true and correct copies of these print outs.
- 22. On January 12, 2002, I visited a 7-ELEVEN store at 2600 South Harlem Avenue in Riverside, Illinois and purchased canned cat and dog food, dry cat and dog food, dog treats, and cat litter. Attached hereto as Exhibit 21 are photographs of my purchases and a true and correct copy of the receipt for these purchases.
- 23. On January 12, 2002, I visited a 7-ELEVEN store at 6603 West 16th Street in Berwyn, Illinois and purchased dog food and cat food. Attached hereto as Exhibit 22 are photographs of my purchases and a true and correct copy of the receipt for these purchases.
- 24. In January 2002, I visited a 7-ELEVEN store at 1140 North Harlem in Forest Park, Illinois and purchased canned cat and dog food, dry cat and dog food, and cat litter.
- 25. In January 2002, I visited a 7-ELEVEN store at 5893 South Archer in Chicago, Illinois and purchased canned cat and dog food, dry cat and dog food, and cat and dog treats.
- 26. In January 2002, I visited a 7-ELEVEN store at 515 Madison in Oak Park, Illinois and purchased canned cat and dog food, dry cat and dog food, and cat litter.

- 27. On June 12, 2009, I visited a 7-ELEVEN store at 343 North La Salle Street in Chicago, Illinois and purchased canned dog food. Attached hereto as Exhibit 23 is a photograph of my purchase and a true and correct copy of the receipt for this purchase.
- 28. On June 12, 2009, I visited a 7-ELEVEN store at 451 North State Street in Chicago, Illinois and purchased canned cat and dog food, and a dog treat. Attached hereto as Exhibit 24 are photographs of my purchases and a true and correct copy of the receipt for these purchases.
- 29. On March 10, 2002, I visited a PETCO store at 2204 South Harlem Avenue in North Riverside, Illinois. The store offered numerous pet related items for sale, including pet food. I purchased a soda, chewing gum, two types of candy, a human beverage cup, and a hair accessory. Attached hereto as Exhibit 25 are photographs of my purchases and a true and correct copy of the receipt for these purchases.
- 30. On June 6, 2009, I visited a PETSMART store at 24 Countryside Plaza in Countryside, Illinois. The store offered numerous pet related items for sale, including pet food. I purchased a bottled water, a candy bar, and a dog treat. Attached hereto as Exhibit 26 are photographs of my purchases and a true and correct copy of the receipt for these purchases.
- 31. On June 7, 2009, I visited the PETCO store at 160 South Mannheim Road #100 in Hillside, Illinois and purchased a 16.9 ounce bottle of hermit crab water for \$3.99 and a candy bar. Attached hereto as Exhibit 27 are photographs of my purchases and a true and correct copy of the receipt for these purchases.
- 32. On April 11, 2009, I visited the PETSMART store at 24 Countryside Plaza in Countryside, Illinois and purchased: (i) a 32 ounce bottle of dog water for \$1.49; and (ii) a 20 ounce bottle of hermit crab water for \$2.49. Attached hereto as Exhibit 28 are photographs of my purchases and a true and correct copy of the receipt for these purchases.

- 33. On April 8, 2009, I visited the Trader Joe's store at 44 East Ontario Street in Chicago, Illinois and purchased a can of TRADER JOE'S brand dog food and a can of TRADER JOE'S brand chili. Attached hereto as Exhibit 29 are photographs of my purchases and a true and correct copy of the receipt for these purchases.
- 34. On June 7, 2009, I visited the Whole Foods store at 500 East Ogden Avenue in Hinsdale, Illinois and purchased a can of 365 brand dog food and a can of 365 brand organic baked beans. Attached hereto as Exhibit 30 are photographs of my purchases and a true and correct copy of the receipt for these purchases.
- 35. On June 7, 2009, I visited the Whole Foods store at 500 East Ogden Avenue in Hinsdale, Illinois and purchased a can of NEWMAN'S OWN brand dog food and a can of NEWMAN'S OWN brand salad dressing. Attached hereto as Exhibit 31 are photographs of my purchases and a true and correct copy of the receipt for these purchases.
- 36. On June 14, 2009, I visited the Tischler Finer Foods store at 9118 Broadway in Brookfield, Illinois and purchased a bag of SHUR FINE brand dog food and a box of SHUR FINE brand instant oatmeal. Attached hereto as Exhibit 32 are photographs of my purchases and a true and correct copy of the receipt for these purchases.
- 37. On June 5, 2009, I visited the CVS store at 8911 Ogden Avenue in Brookfield, Illinois and purchased a bottle of Dasani water and a bottle of Aquafina water. Attached hereto as Exhibit 33 are photographs of my purchases and a true and correct copy of the receipt for these purchases.
- 38. On June 12, 2009, I visited a 7-ELEVEN store at 343 North La Salle Street in Chicago, Illinois and purchased a bottle of 7-SELECT water and a bottle of EVIAN water. Attached hereto as Exhibit 34 are photographs of my purchases and a true and correct copy of the receipt for these purchases.

- 39. In July or August of 2001, I ordered a transcript of the July 13, 2001 broadcast of the radio program "All Things Considered" from National Public Radio ("NPR"). NPR mailed the transcript to me, and attached hereto as Exhibit 35 is a true and correct copy of the transcript.
- 40. I have viewed the 1989 feature film motion picture titled "Say Anything" produced by Cameron Crowe and starring John Cusack, Ione Skye, and John Mahoney. Approximately 2 minutes into the film a character is depicted drinking a SUPER BIG GULP beverage. Approximately 12 minutes into the film a character is depicted drinking a GULP beverage. Approximately 23 minutes into the film a character is GULP beverage is visible in the scene. Approximately 40 minutes into the film characters are depicted leaving a 7-ELEVEN store and one is carrying a GULP beverage. Attached hereto as Exhibit 36 is a copy of the DVD case for the film as well as images of the referenced scenes.
- 41. I have viewed the 1990 feature film motion picture titled "Pretty Woman" produced by Garry Marshall and starring Richard Gere and Julia Roberts. Approximately 44 minutes into the film a character is depicted drinking a BIG GULP beverage. Attached hereto as Exhibit 37 is a copy of the DVD case for the film as well as images of the referenced scene.
- 42. I have viewed the 1994 feature film motion picture titled "Reality Bites" produced by Danny DeVito starring Winona Rider and Ethan Hawke. Approximately 33 minutes into the film two characters are depicted drinking a BIG GULP beverage and discussing the 44-ounce size of the beverage. Approximately 47 minutes into the film one character picks up a BIG GULP beverage and hands it to another character who then drinks the BIG GULP beverage. Attached hereto as Exhibit 38 is a copy of the DVD case for the film as well as images of the referenced scenes.
- 43. I have viewed the 1994 feature film motion picture titled "Dumb & Dumber" produced by Brad Krevoy, Steve Stabler, and Charles B. Wessler starring Jim Carrey and Jeff

Daniels. Approximately 55 minutes into the film a character is depicted exiting from a 7-ELEVEN store and holding a GULP beverage. Attached hereto as Exhibit 39 is a copy of the DVD case for the film as well as images of the referenced scene.

- 44. I have viewed the 2001 feature film motion picture entitled "American Pie II" produced by Chris and Paul Weitz, et al., starring Jason Biggs, Shannon Elizabeth, Allyson Hannigan, and others. Approximately 44 minutes into the film characters are depicted drinking a GULP beverage and then placing the cup on a dresser. Attached hereto as Exhibit 40 is a copy of the DVD case for the film as well as images of the referenced scene.
- 45. I have viewed the 2008 feature film motion picture entitled "Baby Mama" produced by Lorne Michaels and starring Tina Fey, Amy Poehler, and Greg Kinnear. Approximately 83 minutes into the film a SUPER BIG GULP beverage is visible on a court room table for approximately three minutes of the film. Approximately 86 minutes into the file, a character is depicted holding a SUPER BIG GULP beverage while conversing with another character on a sidewalk. Attached hereto as Exhibit 41 is a copy of the DVD case for the film as well as images of the referenced scenes.
- 46. Attached hereto as Exhibit 42 are true and correct copies of articles from periodicals which I obtained from the NEXIS online database in 2001 (Articles 1 through 71), in 2002 (Articles 72 through 93), and on June 4, 2009 (Articles 94 through 110).
- 47. Attached hereto as Exhibit 43 are true and correct copies of articles from periodicals which I obtained from the NEXIS online database in 2001 (Articles 1 through 515) and on June 4, 2009 (Articles 516 through 664).
- 48. Attached hereto as Exhibit 44 is a true and correct copy of the Trademark Electronic Search System ("TESS"), Trademark Applications and Registrations Retrieval ("TARR"), and Assignment Information ("AI") records for United States Trademark Registration

- No. 3,397,061 which I obtained by accessing the website of the United States Patent and Trademark Office and printing on June 22, 2009.
- 49. Attached hereto as Exhibit 45 is a true and correct copy of the TESS, TARR, and AI records for United States Trademark Registration No. 3,397,062 which I obtained by accessing the website of the United States Patent and Trademark Office and printing on June 22, 2009.
- 50. Attached hereto as Exhibit 46 is a true and correct copy of the TESS, TARR, and AI records for United States Trademark Registration No. 3,306,160 which I obtained by accessing the website of the United States Patent and Trademark Office and printing on June 22, 2009.
- 51. Attached hereto as Exhibit 47 is a true and correct copy of the TESS, TARR, and AI records for United States Trademark Registration No. 2,840,517 which I obtained by accessing the website of the United States Patent and Trademark Office and printing on June 22, 2009.
- 52. Attached hereto as Exhibit 48 is a true and correct copy of the TESS, TARR, and AI records for United States Trademark Registration No. 2,759,308 which I obtained by accessing the website of the United States Patent and Trademark Office and printing on June 22, 2009.
- 53. Attached hereto as Exhibit 49 is a true and correct copy of the TESS, TARR, and AI records for United States Trademark Registration No. 3,345,086 which I obtained by accessing the website of the United States Patent and Trademark Office and printing on June 23, 2009.
- 54. Attached hereto as Exhibit 50 is a true and correct copy of the TESS, TARR, and AI records for United States Trademark Registration No. 3,493,799 which I obtained by

accessing the website of the United States Patent and Trademark Office and printing on June 23, 2009.

55. Attached hereto as Exhibit 51 is a true and correct copy of the TESS, TARR, and AI records for United States Trademark Registration No. 1,966,330 which I obtained by accessing the website of the United States Patent and Trademark Office and printing on June 23, 2009.

Date: June 23, 2009

10

### Exhibit 1



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### Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Jun 3 04:02:11 EDT 2009

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### Record 1 out of 1

TARR Status ASSIGN Status TDR TTAB Status ( Use the "Back" button of the Internet

Browser to return to TESS)

### Typed Drawing

Word Mark

**BIG GULP** 

Goods and Services

IC 032. US 045. G & S: SOFT DRINKS FOR CONSUMPTION ON OR OFF THE PREMISES.

FIRST USE: 19780222. FIRST USE IN COMMERCE: 19780222

Mark Drawing

Code

(1) TYPED DRAWING

Serial Number

73166772 April 17, 1978

Filing Date **Current Filing** 

**Basis** 

1A

**Original Filing** 

**Basis** 

1A

Registration

Number

1110172

Registration Date December 26, 1978

Owner

(REGISTRANT) SOUTHLAND CORPORATION, THE CORPORATION TEXAS 2711 NORTH

HASKELL AVENUE DALLAS TEXAS 75204

(LAST LISTED OWNER) 7-Eleven, Inc. CORPORATION TEXAS One Arts Plaza 1722 Routh

Street/ Suite 1000 DALLAS TEXAS 75221

**Assignment** Recorded

ASSIGNMENT RECORDED

Attorney of Record

Diane G. Elder

Type of Mark Register

TRADEMARK PRINCIPAL

**Affidavit Text** 

SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20080409.

Renewal

2ND RENEWAL 20080409

Live/Dead Indicator

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6/3/2009

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Latest Status Info Page 1 of 3

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-06-03 17:48:16 ET

Serial Number: 73166772 Assignment Information Trademark Document Retrieval

**Registration Number:** 1110172

Mark (words only): BIG GULP

Standard Character claim: No

Current Status: This registration has been renewed.

**Date of Status: 2008-04-09** 

Filing Date: 1978-04-17

Transformed into a National Application: No

Registration Date: 1978-12-26

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2008-04-09

### LAST APPLICANT(S)/OWNER(S) OF RECORD

1. 7-Eleven, Inc.

Address:

7-Eleven, Inc.

One Arts Plaza 1722 Routh Street/Suite 1000

DALLAS, TX 75221

**United States** 

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

### GOODS AND/OR SERVICES

International Class: 032 Class Status: Active Latest Status Info Page 2 of 3

SOFT DRINKS FOR CONSUMPTION ON OR OFF THE PREMISES

Basis: 1(a)

First Use Date: 1978-02-22

First Use in Commerce Date: 1978-02-22

### ADDITIONAL INFORMATION

(NOT AVAILABLE)

### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

### PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-04-09 - Second renewal 10 year

2008-04-09 - Section 8 (10-year) accepted/ Section 9 granted

2008-04-07 - Assigned To Paralegal

2008-03-27 - TEAS Section 8 & 9 Received

2008-03-03 - Notice Of Suit

2008-02-18 - Notice Of Suit

2008-01-09 - Case File In TICRS

2006-02-24 - TEAS Change Of Correspondence Received

1998-09-30 - First renewal 10 year

1998-07-08 - Section 9 filed/check record for Section 8

1984-05-07 - Section 8 (6-year) accepted & Section 15 acknowledged

### ATTORNEY/CORRESPONDENT INFORMATION

### **Attorney of Record**

Diane G. Elder

### Correspondent

Diane G. Elder

Foley & Lardner LLP

321 North Clark Street Chicago IL 60610-4764

Phone Number: 312-832-4398 Fax Number: 312-832-4700

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## Assignments on the Web > Trademark Query

# Trademark Assignment Abstract of Title

Reg. Dt: 12/26/1978

Reg #: 1110172

**Pages: 23** 

Entity Type: CORPORATION

Entity Type: UNKNOWN Citizenship: TEXAS

Citizenship: NONE

Exec Dt: 12/15/1987

Total Assignments: 4

Filing Dt: 04/17/1978 Serial #: 73166772

Registrant: SOUTHLAND CORPORATION, THE

Mark: BIG GULP

Assignment: 1

Recorded: 12/18/1987 Received: Reel/Frame: 0587/0920

Conveyance: SECURITY INTEREST

Assignor: SOUTHLAND CORPORATION, THE

NEW YORK, NEW YORK 10043

Assignee: CITICORP NORTH AMERICA, INC.

641 LEXINGTON, AVENUE

Olsen Exhibits (7-Eleven)

Page 7

1722 EYE STREET, N.W. Correspondent: SIDLEY & AUSTIN

WASHINGTON, DC 20006

Assignment: 2

Recorded: 03/27/1997 Received: 06/30/1997 Reel/Frame: 1589/0551

Pages: 3

Entity Type: CORPORATION

Exec Dt: 02/28/1997

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: TEXAS

Assignor: CITICORP NORTH AMERICA, INC.

Conveyance: SECURITY AGREEMENT

Assignee: SOUTHLAND CORP., THE

2711 N. HASKELL

DALLAS, TEXAS 75221

Correspondent: WILDMAN, HARROLD, ALLEN & DIXON

225 WEST WACKER DRIVE JEFFREY E. MICHEL, ESQ.

CHICAGO, IL 60606

Assignment: 3

Recorded: 03/27/1997 Received: 06/25/1997 Reel/Frame: 1597/0224

6/3/2009

Pages: 4

Conveyance: SECURITY AGREEMENT

Assignor: CITICORP NORTH AMERICA, INC.

Entity Type: CORPORATION

Citizenship: DELAWARE

Exec Dt: 02/28/1997

Entity Type: CORPORATION

Citizenship: TEXAS

Assignee: SOUTHLAND CORP., THE

ignee: SOUTHLAND CORP., THE 2711 N. HASKELL DALLAS, TEXAS 75221

Correspondent: WILDMAN, HARROLD, ALLEN & DIXON

JEFFREY E. MICHEL, ESQ.

225 WEST WACKER DRIVE CHICAGO, ILLINOIS 60606

Assignment: 4

Recorded: 0S/07/1999 Received: 08/02/1999 Reel/Frame: 1909/0792

Pages: 7

Entity Type: CORPORATION

Citizenship: TEXAS

Exec Dt: 04/28/1999

Entity Type: CORPORATION

Citizenship: TEXAS

Conveyance: CHANGE OF NAME

Assignor: SOUTHLAND CORPORATION, THE

Assignee: 7-ELEVEN, INC.

2711 NORTH HASKELL AVENUE

DALLAS, TEXAS 75204

Correspondent: WILDMAN, HARROLD, ALLEN & DIXON

LAWRENCE S. WICK 225 W, WACKER DRIVE

CHICAGO, IL 60606

Search Results as of: 06/03/2009 05:48 PM

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If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. Web interface last modified: October 18, 2008 v.2.0.2

6/3/2009

### Exhibit 2



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### Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Jun 3 04:02:11 EDT 2009

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### Record 1 out of 1

TARR Status **ASSIGN Status** 

TDR

TTAB Status

( Use the "Back" button of the Internet

Browser to return to TESS)

### Typed Drawing

Word Mark

SUPER BIG GULP

Goods and

IC 032. US 045. G & S: SOFT DRINKS FOR CONSUMPTION ON OR OFF THE PREMISES.

Services

FIRST USE: 19830601. FIRST USE IN COMMERCE: 19830601

Mark Drawing Code (1) TYPED DRAWING

Serial Number

73618074

Filing Date

September 4, 1986

**Current Filing** 

**Basis** 

1A

Original Filing

**Basis** 

1A

**Published for** 

Opposition

October 6, 1987

Registration Number

1470871

**Registration Date** 

December 29, 1987

Owner

(REGISTRANT) SOUTHLAND CORPORATION, THE CORPORATION TEXAS 2828 NORTH

HASKELL AVENUE DALLAS TEXAS 75204

(LAST LISTED OWNER) 7-Eleven, Inc. CORPORATION TEXAS 2711 North Haskell Avenue

DALLAS TEXAS 75204

**Assignment** Recorded

ASSIGNMENT RECORDED

Attorney of Record DIANE G. ELDER

**Prior Registrations** 1110172

Type of Mark

TRADEMARK **PRINCIPAL** 

Register Affidavit Text

SECT 15. SECT 8 (6-YR), SECTION 8(10-YR) 20070506.

Renewal

1ST RENEWAL 20070506

Live/Dead Indicator LIVE

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Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-06-03 17:48:41 ET

Serial Number: 73618074 Assignment Information Trademark Document Retrieval

Registration Number: 1470871

Mark (words only): SUPER BIG GULP

Standard Character claim: No

Current Status: This registration has been renewed.

**Date of Status: 2007-05-06** 

Filing Date: 1986-09-04

Transformed into a National Application: No

Registration Date: 1987-12-29

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at <u>TrademarkAssistanceCenter@uspto.gov</u>

Current Location: 830 -Post Registration

Date In Location: 2007-05-06

### LAST APPLICANT(S)/OWNER(S) OF RECORD

1. 7-Eleven, Inc.

Address:

7-Eleven, Inc.
2711 North Haskell Avenue
DALLAS, TX 75204

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

### GOODS AND/OR SERVICES

International Class: 032 Class Status: Active SOFT DRINKS FOR CONSUMPTION ON OR OFF THE PREMISES

Basis: 1(a)

First Use Date: 1983-06-01

First Use in Commerce Date: 1983-06-01

### ADDITIONAL INFORMATION

### **Prior Registration Number(s):**

1110172

### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

### PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-03 - Notice Of Suit

2008-02-18 - Notice Of Suit

2007-05-06 - First renewal 10 year

2007-05-06 - Section 8 (10-year) accepted/ Section 9 granted

2007-05-06 - Assigned To Paralegal

2007-05-01 - Case File In TICRS

2007-03-05 - Combined Section 8 (10-year)/Section 9 filed

2007-03-05 - TEAS Section 8 & 9 Received

2006-02-24 - TEAS Change Of Correspondence Received

1993-05-24 - Section 8 (6-year) accepted & Section 15 acknowledged

1993-02-16 - Section 8 (6-year) and Section 15 Filed

1987-12-29 - Registered - Principal Register

1987-10-06 - Published for opposition

1987-09-04 - Notice of publication

1987-08-05 - Approved for Pub - Principal Register (Initial exam)

1986-12-18 - Non-final action mailed

1986-12-03 - Assigned To Examiner

### ATTORNEY/CORRESPONDENT INFORMATION

### **Attorney of Record**

DIANE G. ELDER

### Correspondent

DIANE G. ELDER FOLEY & LARDNER LLP 321 N CLARK ST STE 2900 CHICAGO, IL 60610-4764 Phone Number: 312-832-4398 Fax Number: 312-832-4700

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# Assignments on the Web > Trademark Query



# Trademark Assignment Abstract of Title

Total Assignments: 4

Filing Dt: 09/04/1986 Serial #: 73618074

Reg. Dt: 12/29/1987

Reg #: 1470871

Pages: 23

Recorded: 12/18/1987

Entity Type: CORPORATION

Entity Type: UNKNOWN Citizenship: TEXAS

Citizenship: NONE

Exec Dt: 12/15/1987

Registrant: SOUTHLAND CORPORATION, THE

Mark: SUPER BIG GULP

Reel/Frame: 0587/0920

Assignment: 1

Received:

Conveyance: SECURITY INTEREST

Assignor: SOUTHLAND CORPORATION, THE

Assignee: CITICORP NORTH AMERICA, INC.

NEW YORK, NEW YORK 10043 641 LEXINGTON, AVENUE

Correspondent: SIDLEY & AUSTIN

WASHINGTON, DC 20006 1722 EYE STREET, N.W.

Assignment: 2

Received: 06/30/1997 Reel/Frame: 1589/0551

Pages: 3

Recorded: 03/27/1997

Entity Type: CORPORATION

Citizenship: DELAWARE

Exec Dt: 02/28/1997

Entity Type: CORPORATION

Citizenship: TEXAS

Conveyance: SECURITY AGREEMENT

Assignor: CITICORP NORTH AMERICA, INC.

Assignee: SOUTHLAND CORP., THE

2711 N. HASKELL

DALLAS, TEXAS 75221

Correspondent: WILDMAN, HARROLD, ALLEN & DIXON

225 WEST WACKER DRIVE JEFFREY E. MICHEL, ESQ.

CHICAGO, 1L 60606

Assignment: 3

Received: 06/25/1997 Reel/Frame: 1597/0224

Recorded: 03/27/1997

Pages: 4

6/3/2009

http://assignments.uspto.gov/assignments/q?db=tm&sno=73618074

Conveyance: SECURITY AGREEMENT

Assignor: CITICORP NORTH AMERICA, INC.

Entity Type: CORPORATION

Citizenship: DELAWARE

Exec Dt: 02/28/1997

Entity Type: CORPORATION

Citizenship: TEXAS

Assignee: SOUTHLAND CORP., THE

2711 N. HASKELL

DALLAS, TEXAS 75221

Correspondent: WILDMAN, HARROLD, ALLEN & DIXON

225 WEST WACKER DRIVE JEFFREY E. MICHEL, ESQ.

CHICAGO, ILLINOIS 60606

Assignment: 4

Recorded: 05/07/1999 Received: 08/02/1999 Reel/Frame: 1909/0792

Pages: 7

Conveyance: CHANGE OF NAME

Assignor: SOUTHLAND CORPORATION, THE

Assignee: 7-ELEVEN, INC.

Entity Type: CORPORATION

Citizenship: TEXAS

Entity Type: CORPORATION

Citizenship: TEXAS

Exec Dt: 04/28/1999

2711 NORTH HASKELL AVENUE

DALLAS, TEXAS 75204

Correspondent: WILDMAN, HARROLD, ALLEN & DIXON

225 W. WACKER DRIVE LAWRENCE S. WICK

CHICAGO, 1L 60606

Search Results as of: 06/03/2009 05:49 PM

6/3/2009

http://assignments.uspto.gov/assignments/q?db=tm&sno=73618074

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. Web interface last modified: October 18, 2008 v.2.0.2

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### Exhibit 3



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### Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Jun 3 04:02:11 EDT 2009

TESS HOME

NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG

Воттом

Logout Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

**TARR Status** 

ASSIGN Status

TDR

TTAB Status

( Use the "Back" button of the Internet

Browser to return to TESS)

### Typed Drawing

Word Mark

DOUBLE GULP

Goods and Services

IC 032, US 045, G & S; SOFT DRINKS FOR CONSUMPTION ON AND OFF THE PREMISES.

FIRST USE: 19870715. FIRST USE IN COMMERCE: 19880500

Mark Drawing

Code

(1) TYPED DRAWING

Serial Number

73785856

**Filing Date** 

March 10, 1989

**Current Filing** 

**Basis** 

1A

**Original Filing** 

**Basis** 

1A

**Published for** Opposition

August 22, 1989

Registration

1566263

Number Registration Date

November 14, 1989

Owner

(REGISTRANT) SOUTHLAND CORPORATION, THE CORPORATION TEXAS 2828 NORTH

HASKELL AVENUE DALLAS TEXAS 75204

(LAST LISTED OWNER) 7-Eleven, Inc. CORPORATION TEXAS 2711 North Haskell Avenue

Dallas TEXAS 75204

Assignment Recorded

ASSIGNMENT RECORDED

Attorney of Record Diane G. Elder

Prior Registrations 1110172;1437474;1470871

Type of Mark Register

TRADEMARK **PRINCIPAL** 

**Affidavit Text** 

SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090226.

Renewal

1ST RENEWAL 20090226

Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG TOP HELP

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Latest Status Info Page 1 of 3

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-06-03 17:49:17 ET

Serial Number: 73785856 Assignment Information Trademark Document Retrieval

**Registration Number:** 1566263

Mark (words only): DOUBLE GULP

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2009-02-26

Filing Date: 1989-03-10

Transformed into a National Application: No

Registration Date: 1989-11-14

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

**Date In Location:** 2009-02-26

### LAST APPLICANT(S)/OWNER(S) OF RECORD

1. 7-Eleven, Inc.

Address:

7-Eleven, Inc. 2711 North Haskell Avenue Dallas, TX 75204 United States

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

### GOODS AND/OR SERVICES

International Class: 032 Class Status: Active Latest Status Info Page 2 of 3

SOFT DRINKS FOR CONSUMPTION ON AND OFF THE PREMISES

Basis: 1(a)

First Use Date: 1987-07-15

First Use in Commerce Date: 1988-05-00

### ADDITIONAL INFORMATION

### **Prior Registration Number(s):**

1110172 1437474 1470871

### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

### PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-02-26 - First renewal 10 year

2009-02-26 - Section 8 (10-year) accepted/ Section 9 granted

2009-02-18 - Assigned To Paralegal

2009-02-16 - TEAS Section 8 & 9 Received

2008-11-24 - Case File In TICRS

2008-03-03 - Notice Of Suit

2008-02-18 - Notice Of Suit

2006-02-24 - TEAS Change Of Correspondence Received

1996-03-23 - Section 8 (6-year) accepted & Section 15 acknowledged

1995-07-19 - Section 8 (6-year) and Section 15 Filed

1989-11-14 - Registered - Principal Register

1989-08-22 - Published for opposition

1989-07-22 - Notice of publication

1989-06-03 - Approved for Pub - Principal Register (Initial exam)

1989-03-27 - Communication received from applicant

1989-05-11 - Assigned To Examiner

### ATTORNEY/CORRESPONDENT INFORMATION

### **Attorney of Record**

Diane G. Elder

### Correspondent

Diane G. Elder Foley & Lardner LLP 321 North Clark Street Chicago IL 60654

Phone Number: 312-832-4452 Fax Number: 312-832-4700

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## Assignments on the Web > Trademark Query

# **Trademark Assignment Abstract of Title**

Reg. Dt: 11/14/1989

Reg #: 1566263

Pages: 7

Recorded: 05/07/1999

Entity Type: CORPORATION

Citizenship: TEXAS

Exec Dt: 04/28/1999

Entity Type: CORPORATION

Citizenship: TEXAS

**Total Assignments: 1** 

Filing Dt: 03/10/1989 Serial #: 73785856

Registrant: SOUTHLAND CORPORATION, THE

Mark: DOUBLE GULP

Assignment: 1

Received: 08/02/1999 Reel/Frame: 1909/0792

Conveyance: CHANGE OF NAME

Assignor: SOUTHLAND CORPORATION, THE

Assignee: 7-ELEVEN, INC.

2711 NORTH HASKELL AVENUE

DALLAS, TEXAS 75204

Correspondent: W1LDMAN, HARROLD, ALLEN & DIXON

225 W. WACKER DRIVE LAWRENCE S. WICK

CHICAGO, IL 60606

Search Results as of: 06/03/2009 05:49 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. Web interface last modified: October 18, 2008 v.2.0.2

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### Trademarks > Trademark Electronic Search System (TESS)

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STRUCTURED FREE FORM BROWNEDICT SEARCH OG

Logout Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

TARR Status

ASSIGN Status

TOR

TTAB Status

( Use the "Back" button of the Internet

Browser to return to TESS)

**Word Mark** 

DOUBLE GULP

Goods and

IC 032, US 045, G & S; SOFT DRINKS FOR CONSUMPTION ON OR OFF THE PREMISES.

Services

FIRST USE: 19870715. FIRST USE IN COMMERCE: 19880500

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Mark Drawing** Code

Serial Number

74002867

**Filing Date** 

November 16, 1989

**Current Filing** 

1A **Basis** 

**Original Filing** 

1A

**Basis** 

Published for Opposition

July 10, 1990

Registration Number

1615968

Registration Date

October 2, 1990

Owner

(REGISTRANT) SOUTHLAND CORPORATION, THE CORPORATION TEXAS 2711 NORTH

HASKELL AVENUE DALLAS TEXAS 75204

(LAST LISTED OWNER) 7-ELEVEN, INC. CORPORATION BY CHANGE OF NAME TEXAS

2711 NORTH HASKELL AVENUE DALLAS TEXAS 75204

**Assignment** Recorded

ASSIGNMENT RECORDED

Attorney of Record

Craig S. Fochler

**Prior** 

7-Eleven, Inc. v. Bucenell http://ress2.uspto.gov/bin/showfield?f=doc&state=4010:dodlkm.19.1

Olsen Exhibits (7-Eleven)

6/3/2009

Registrations

1110172;1437474;1470871;1566263;AND OTHERS

**Description of** 

Mark

THE MARK CONSISTS OF THE STYLIZED WORDS, "DOUBLE GULP".

Type of Mark Register

**TRADEMARK PRINCIPAL** 

**Affidavit Text** 

SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20010330.

Renewal

1ST RENEWAL 20010330

Live/Dead Indicator

LIVÉ

TESS HOME NEW USER

STRUCTURED FREE FORM BROWSE DIET SEARCH OG

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Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-06-03 17:49:43 ET

Serial Number: 74002867 Assignment Information

Trademark Document Retrieval

**Registration Number:** 1615968

Mark



(words only): DOUBLE GULP

Standard Character claim: No

Current Status: This registration has been renewed.

**Date of Status: 2001-03-30** 

Filing Date: 1989-11-16

Transformed into a National Application: No

Registration Date: 1990-10-02

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at <u>TrademarkAssistanceCenter@uspto.gov</u>

Current Location: 40S -Scanning On Demand

Date In Location: 2007-09-28

## LAST APPLICANT(S)/OWNER(S) OF RECORD

1. 7-ELEVEN, INC.

Address:

7-ELEVEN, INC. 2711 NORTH HASKELL AVENUE Latest Status Info Page 2 of 3

DALLAS, TX 75204

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

## GOODS AND/OR SERVICES

**International Class:** 032 **Class Status:** Active

SOFT DRINKS FOR CONSUMPTION ON OR OFF THE PREMISES

Basis: 1(a)

First Use Date: 1987-07-15

First Use in Commerce Date: 1988-05-00

## ADDITIONAL INFORMATION

Description of Mark: THE MARK CONSISTS OF THE STYLIZED WORDS, "DOUBLE GULP".

## **Prior Registration Number(s):**

1110172

1437474

1470871

1566263

## MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

## **PROSECUTION HISTORY**

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-03 - Notice Of Suit

2008-02-18 - Notice Of Suit

2007-09-28 - Case File In TICRS

2006-02-24 - TEAS Change Of Correspondence Received

2001-03-30 - First renewal 10 year

2001-03-30 - Section 8 (10-year) accepted/ Section 9 granted

2001-03-12 - Post Registration action mailed Sections 8 & 9

2000-10-20 - Combined Section 8 (10-year)/Section 9 filed

1996-08-23 - Section 8 (6-year) accepted & Section 15 acknowledged

1996-03-05 - Section 8 (6-year) and Section 15 Filed

1990-10-02 - Registered - Principal Register

1990-07-10 - Published for opposition

1990-06-09 - Notice of publication

1990-04-13 - Approved for Pub - Principal Register (Initial exam)

1990-04-06 - Communication received from applicant

1990-02-20 - Non-final action mailed

1990-01-02 - Communication received from applicant

1990-02-08 - Assigned To Examiner

1990-02-01 - Assigned To Examiner

## ATTORNEY/CORRESPONDENT INFORMATION

## Attorney of Record

Craig S. Fochler

## Correspondent

Charles R. Mandly Foley & Lardner LLP Suite 2900 321 North Clark Street Chicago IL 60610-4764

Phone Number: 312-832-4398 Fax Number: 312-832-4700

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## Assignments on the Web > Trademark Query

## Trademark Assignment Abstract of Title

Reg. Dt: 10/02/1990

Reg #: 1615968

Pages: 7

Recorded: 05/07/1999

Entity Type: CORPORATION

Citizenship: TEXAS

Exec Dt: 04/28/1999

Entity Type: CORPORATION

Citizenship: TEXAS

Total Assignments: 1

Serial #: 74002867

Filing Dt: 11/16/1989 Registrant: SOUTHLAND CORPORATION, THE

Mark: DOUBLE GULP

Assignment: 1

Received: 08/02/1999 Reel/Frame: 1909/0792

Conveyance: CHANGE OF NAME

Assignor: SOUTHLAND CORPORATION, THE

Assignee: 7-ELEVEN, INC.

2711 NORTH HASKELL AVENUE

DALLAS, TEXAS 75204

Correspondent: WILDMAN, HARROLD, ALLEN & DIXON LAWRENCE S. WICK

225 W. WACKER DRIVE

CHICAGO, 1L 60606

Search Results as of: 06/03/2009 05:49 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. Web interface last modified: October 18, 2008 v.2.0.2

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## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Jun 3 04:02:11 EDT 2009

TESS HOME

STRUCTURED FREE FORM BROWSE DICT SEARCH OG

Воттом

HELP

Logout | Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

TARR Status

**ASSIGN Status** 

TDR

( Use the "Back" button of the Internet

Browser to return to TESS)

## Typed Drawing

Word Mark

**GULP** 

Goods and

IC 032. US 045. G & S: SOFT DRINKS FOR CONSUMPTION ON OR OFF THE PREMISES.

Services FIRST USE: 19890300. FIRST USE IN COMMERCE: 19890300

Mark Drawing Code (1) TYPED DRAWING

**Serial Number** 

73817236

Filing Date

August 7, 1989

**Current Filing** 

**Basis** 

1A

**Original Filing** 

Basis

1A

**Published for** 

Opposition

December 12, 1989

Registration

Number

1586016

**Registration Date** 

March 6, 1990

Owner

(REGISTRANT) SOUTHLAND CORPORATION, THE CORPORATION TEXAS 2828 NORTH

HASKELL AVENUE DALLAS TEXAS 75204

(LAST LISTED OWNER) 7-ELEVEN, INC. CORPORATION BY CHANGE OF NAME TEXAS

1722 Routh Street Suite 1000 DALLAS TEXAS 75201

**Assignment** 

Recorded

ASSIGNMENT RECORDED

Attorney of Record Diane G. Elder Prior Registrations 1110172;1470871 Type of Mark

Register

TRADEMARK **PRINCIPAL** 

**Affidavit Text** 

SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090319.

Renewal

1ST RENEWAL 20090319

Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG TOP HELP

[.HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY

Latest Status Info Page 1 of 3

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-06-03 17:50:08 ET

Serial Number: 73817236 Assignment Information Trademark Document Retrieval

Registration Number: 1586016

Mark (words only): GULP

Standard Character claim: No

Current Status: This registration has been renewed.

**Date of Status:** 2009-03-19

Filing Date: 1989-08-07

Transformed into a National Application: No

Registration Date: 1990-03-06

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2009-03-19

## LAST APPLICANT(S)/OWNER(S) OF RECORD

I. 7-ELEVEN, INC.

Address:

7-ELEVEN, INC. 1722 Routh Street Suite 1000 DALLAS, TX 75201

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

## GOODS AND/OR SERVICES

International Class: 032 Class Status: Active Latest Status Info Page 2 of 3

SOFT DRINKS FOR CONSUMPTION ON OR OFF THE PREMISES

Basis: 1(a)

First Use Date: 1989-03-00

First Use in Commerce Date: 1989-03-00

## ADDITIONAL INFORMATION

## **Prior Registration Number(s):**

1110172 1470871

## MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

## PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-03-19 - First renewal 10 year

2009-03-19 - Section 8 (10-year) accepted/ Section 9 granted

2009-03-12 - Assigned To Paralegal

2009-03-10 - TEAS Section 8 & 9 Received

2008-11-18 - Case File In TICRS

2008-03-03 - Notice Of Suit

2008-02-18 - Notice Of Suit

2006-02-24 - TEAS Change Of Correspondence Received

2000-04-04 - First renewal 10 year

2000-04-04 - Section 9 granted/check record for Section 8

1999-10-20 - Combined Section 8 (10-year)/Section 9 filed

1996-07-22 - Section 8 (6-year) accepted & Section 15 acknowledged

1996-03-05 - Section 8 (6-year) and Section 15 Filed

1990-03-06 - Registered - Principal Register

1989-12-12 - Published for opposition

1989-11-10 - Notice of publication

1989-09-28 - Approved for Pub - Principal Register (Initial exam)

1989-09-28 - Assigned To Examiner

## ATTORNEY/CORRESPONDENT INFORMATION

## Attorney of Record

Diane G. Elder

## Correspondent

Diane G. Elder Foley & Lardner LLP 321 North Clark Street Chicago IL 60654

Phone Number: 312-832-4452 Fax Number: 312-832-4700

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## Assignments on the Web > Trademark Query

## (All

## Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: 73817236 Filing Dt: 08/07/1989

Reg. Dt: 03/06/1990

Reg #: 1586016

Pages: 7

Recorded: 05/07/1999

Registrant: SOUTHLAND CORPORATION, THE

Mark: GULP

Assignment: 1

Reel/Frame: 1909/0792 Received: 08/02/1999

Conveyance: CHANGE OF NAME

Assignor: SOUTHLAND CORPORATION, THE

Assignee: 7-ELEVEN, INC.

Entity Type: CORPORATION

Citizenship: TEXAS

Citizenship: TEXAS

Exec Dt: 04/28/1999 Entity Type: CORPORATION

> 2711 NORTH HASKELL AVENUE DALLAS, TEXAS 75204

LAWRENCE S. WICK

Correspondent: WILDMAN, HARROLD, ALLEN & DIXON

225 W. WACKER DRIVE

CHICAGO, IL 60606

Search Results as of: 06/03/2009 05:49 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. Web interface last modified: October 18, 2008 v.2.0.2

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## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Jun 3 04:02:11 EDT 2009

NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG

Logout Please logout when you are done to release system resources allocated for you.

BOTTOM

HELP

## Record 1 out of 1

TARR Status ASSIGN Status TDR TTAB Status ( Use the "Back" button of the Internet

Browser to return to TESS)

## Typed Drawing

Word Mark

BIG GULP FLAVOR SHOT

Goods and Services

IC 032. US 045 046 048. G & S: soft drinks and syrups or concentrates added to soft drinks for consumption on or off the premises. FIRST USE: 20020430. FIRST USE IN COMMERCE:

20020430

**Mark Drawing** 

Code

(1) TYPED DRAWING

Serial Number

76399944 Filing Date April 23, 2002

**Current Filing** 

**Basis** 

1A

Original Filing

**Basis** 

1B

**Published for** 

Opposition

May 20, 2003

Registration

Number

2749708

Registration Date August 12, 2003

Owner

(REGISTRANT) 7-Eleven, Inc. CORPORATION TEXAS 2711 North Haskell Avenue Dallas

**TEXAS 75204** 

Attorney of Record

Diane G. Elder

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FLAVOR SHOT" APART FROM

THE MARK AS SHOWN

Type of Mark

TRADEMARK **PRINCIPAL** 

Register

**Affidavit Text** 

SECT 15, SECT 8 (6-YR).

Live/Dead

LIVE

Indicator

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG

| HOME | SITE INDEX | SEARCH | BUSINESS | HELP | PRIVACY POLICY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-06-03 17:50:33 ET

Serial Number: 76399944 Assignment Information Trademark Document Retrieval

Registration Number: 2749708

Mark (words only): BIG GULP FLAVOR SHOT

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2009-04-24

Filing Date: 2002-04-23

Transformed into a National Application: No

Registration Date: 2003-08-12

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at <u>TrademarkAssistanceCenter@uspto.gov</u>

Current Location: 830 -Post Registration

Date In Location: 2009-04-24

## LAST APPLICANT(S)/OWNER(S) OF RECORD

1. 7-Eleven, Inc.

Address:

7-Eleven, Inc. 2711 North Haskell Avenue Dallas, TX 75204

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

## GOODS AND/OR SERVICES

International Class: 032 Class Status: Active Latest Status Info Page 2 of 3

soft drinks and syrups or concentrates added to soft drinks for consumption on or off the premises

Basis: 1(a)

First Use Date: 2002-04-30

First Use in Commerce Date: 2002-04-30

## ADDITIONAL INFORMATION

Disclaimer: "FLAVOR SHOT"

## MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

## PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-04-24 - Section 8 (6-year) accepted & Section 15 acknowledged

2009-04-24 - Assigned To Paralegal

2009-04-22 - TEAS Section 8 & 15 Received

2008-08-28 - Case File In TICRS

2008-03-03 - Notice Of Suit

2008-02-18 - Notice Of Suit

2006-02-24 - TEAS Change Of Correspondence Received

2003-08-12 - Registered - Principal Register

2003-05-20 - Published for opposition

2003-04-30 - Notice of publication

2003-03-27 - Approved for Pub - Principal Register (Initial exam)

2003-03-27 - Amendment to Use approved

2003-03-27 - Previous allowance count withdrawn

2003-03-12 - Approved for Pub - Principal Register (Initial exam)

2003-02-24 - Communication received from applicant

2003-02-24 - TEAS Response to Office Action Received

Latest Status Info Page 3 of 3

2003-02-14 - Final refusal mailed

2002-11-14 - Communication received from applicant

2002-12-06 - Communication received from applicant

2002-11-27 - Disapproval of Amendment to use mailed

2002-11-25 - AMENDMENT OF ALLEGED USE DISAPPROVED

2002-11-25 - Previous action count withdrawn

2002-11-14 - TEAS Response to Office Action Received

2002-10-29 - Communication received from applicant

2002-11-08 - Amendment to use processing complete

2002-10-29 - Amendment to Use filed

2002-10-29 - TEAS Amendment of Use Received

2002-11-27 - Non-final action mailed

2002-08-26 - Assigned To Examiner

2002-08-07 - Assigned To Examiner

2002-08-07 - Assigned To Examiner

## ATTORNEY/CORRESPONDENT INFORMATION

## **Attorney of Record**

Diane G. Elder

## Correspondent

Diane G. Elder Foley & Lardner LLP 321 North Clark Street Chicago IL 60654

Phone Number: 312-832-4552 Fax Number: 312-832-4700

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## Assignments on the Web > Trademark Query

# No assignment has been recorded at the USPTO

For Serial Number: 76399944

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. Web interface last modified: October 18, 2008 v.2.0.2

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## Exhibit 7



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## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Jun 3 04:02:11 EDT 2009

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG BOTTOM HELP

Logout Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

TARR Status | ASSIGN Status | TDR | TTAB Status | ( Use the "Back" button of the Internet Browser to return to TESS)

BIG GULP SODA

Word Mark BIG GULP SODA FLOAT

Goods and Services IC 032. US 045 046 048. G & S: Soft drinks containing ice cream for consumption on or off the

premises. FIRST USE: 20040816. FIRST USE IN COMMERCE: 20040816

**Standard Characters** 

Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78367791

Filing Date February 13, 2004

Current Filing Basis 1A Original Filing Basis 1B

Published for

Opposition June 28, 2005

Registration Number 2997248

Registration Date September 20, 2005

Owner (REGISTRANT) 7-Eleven, Inc. CORPORATION TEXAS 2711 North Haskell Avenue Dallas

TEXAS 75204

Attorney of Record Diane G. Elder

Prior Registrations 1110172;2718348;2749708

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Soda Float" APART FROM THE

MARK AS SHOWN

Type of Mark TRADEMARK
Register PRINCIPAL

Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG TOP HELP

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Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-06-03 17:50:58 ET

Serial Number: 78367791 Assignment Information Trademark Document Retrieval

**Registration Number: 2997248** 

Mark

## BIG GULP SODA

(words only): BIG GULP SODA FLOAT

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2005-09-20

Filing Date: 2004-02-13

Transformed into a National Application: No

Registration Date: 2005-09-20

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact

the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 - Publication And Issue Section

Date In Location: 2005-09-20

## LAST APPLICANT(S)/OWNER(S) OF RECORD

1. 7-Eleven, Inc.

## Address:

7-Eleven, Inc.

2711 North Haskell Avenue

Latest Status Info

Dallas, TX 75204 United States

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

## GOODS AND/OR SERVICES

International Class: 032 Class Status: Active

Soft drinks containing ice cream for consumption on or off the premises

Basis: 1(a)

First Use Date: 2004-08-16

First Use in Commerce Date: 2004-08-16

## ADDITIONAL INFORMATION

Disclaimer: "Soda Float"

Prior Registration Number(s):

1110172 2718348 2749708

## MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

## PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-03 - Notice Of Suit

2008-02-18 - Notice Of Suit

2006-02-10 - TEAS Change Of Correspondence Received

2005-09-20 - Registered - Principal Register

2005-06-28 - Published for opposition

2005-06-08 - Notice of publication

2005-03-23 - Law Office Publication Review Completed

2005-03-18 - Assigned To L1E

2005-03-14 - Approved for Pub - Principal Register (Initial exam)

2005-03-14 - Amendment to Use approved

2004-10-29 - Teas/Email Correspondence Entered

2004-10-26 - Communication received from applicant

2004-10-29 - Amendment From Applicant Entered

2004-10-25 - Communication received from applicant

2004-10-29 - Amendment to use processing complete

2004-10-25 - Amendment to Use filed

2004-10-26 - TEAS Response to Office Action Received

2004-10-25 - TEAS Amendment of Use Received

2004-09-05 - Non-final action e-mailed

2004-09-05 - Non-Final Action Written

2004-09-04 - Assigned To Examiner

2004-02-26 - New Application Entered In Tram

## ATTORNEY/CORRESPONDENT INFORMATION

## Attorney of Record

Diane G. Elder

## Correspondent

Charles R. Mandly Jr. Foley & Lardner LLP Suite 2900 321 North Clark Street Chicago IL 60610

Phone Number: 312-832-4398 Fax Number: 312-832-4700

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## Assignments on the Web > Trademark Query

# No assignment has been recorded at the USPTO

## For Serial Number: 78367791

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. Web interface last modified: October 18, 2008 v.2.0.2

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## Exhibit 8

7-Eleven, Inc. v. Bucenell Opposition No. 91177807 Olsen Exhibits (7-Eleven) Page 52



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## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Jun 3 04:02:11 EDT 2009

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Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

ASSIGN Status TARR Status

TDR TTAB Status

( Use the "Back" button of the Internet

Browser to return to TESS)

## Typed Drawing

Word Mark

CAR GULP

Goods and Services

IC 021. US 002 013 023 029 030 033 040 050. G & S: reusable plastic cups. FIRST USE:

20000229. FIRST USE IN COMMERCE: 20000229

IC 032, US 045 046 048, G & S: soft drinks for consumption on or off the premises. FIRST

USE: 20000229. FIRST USE IN COMMERCE: 20000229

Mark Drawing Code (1) TYPED DRAWING

**Serial Number** 

75827544

Filing Date

October 20, 1999

**Current Filing** 

**Basis** 

**Original Filing** 

**Basis** 

**1B** 

1A

Published for

Opposition

June 20, 2000

Registration Number

2494955

Registration Date

October 2, 2001

Owner

(REGISTRANT) 7-Eleven, Inc. CORPORATION TEXAS 2711 North Haskell Avenue Dallas

TEXAS 75204 Attorney of Record Diane G. Elder

Type of Mark

TRADEMARK

Register

PRINCIPAL

**Affidavit Text** 

SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

NEW USER

STRUCTURED

FREE FORM

BROWSE DICT

SEARCH OG

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Latest Status Info Page 1 of 3

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-06-03 17:51:28 ET

Serial Number: 75827544 Assignment Information Trademark Document Retrieval

**Registration Number:** 2494955

Mark (words only): CAR GULP

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

**Date of Status: 2007-08-05** 

Filing Date: 1999-10-20

Transformed into a National Application: No

Registration Date: 2001-10-02

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

**Current Location:** 830 -Post Registration

Date In Location: 2007-08-05

## LAST APPLICANT(S)/OWNER(S) OF RECORD

1. 7-Eleven, Inc.

Address:

7-Eleven, Inc. 2711 North Haskell Avenue Dallas, TX 75204

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

## GOODS AND/OR SERVICES

International Class: 021 Class Status: Active Latest Status Info Page 2 of 3

reusable plastic cups

Basis: 1(a)

First Use Date: 2000-02-29

First Use in Commerce Date: 2000-02-29

International Class: 032 Class Status: Active

soft drinks for consumption on or off the premises

Basis: 1(a)

First Use Date: 2000-02-29

First Use in Commerce Date: 2000-02-29

## ADDITIONAL INFORMATION

(NOT AVAILABLE)

## MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

## PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-03 - Notice Of Suit

2008-02-18 - Notice Of Suit

2007-08-05 - Section 8 (6-year) accepted & Section 15 acknowledged

2007-07-23 - Assigned To Paralegal

2007-06-26 - Section 8 (6-year) and Section 15 Filed

2007-06-26 - TEAS Section 8 & 15 Received

2007-01-25 - Case File In TICRS

2006-02-24 - TEAS Change Of Correspondence Received

2001-10-02 - Registered - Principal Register

2001-08-01 - Allowed for Registration - Principal Register (SOU accepted)

2001-07-11 - Assigned To Examiner

2001-06-30 - Statement of use processing complete

Latest Status Info Page 3 of 3

2001-01-24 - Amendment to Use filed

2000-09-12 - Noa Mailed - SOU Required From Applicant

2000-06-20 - Published for opposition

2000-05-19 - Notice of publication

2000-04-06 - Approved for Pub - Principal Register (Initial exam)

2000-03-31 - Assigned To Examiner

2000-03-09 - Assigned To Examiner

## ATTORNEY/CORRESPONDENT INFORMATION

## Attorney of Record

Diane G. Elder

## Correspondent

Diane G. Elder Foley & Lardner LLP 321 North Clark Street Chicago IL 60610-4764

Phone Number: 312-832-4398 Fax Number: 312-832-4700



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## Assignments on the Web > Trademark Query

# No assignment has been recorded at the USPTO

## For Serial Number: 75827544

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Web interface last modified: October 18, 2008 v.2.0.2

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**TARR Status** ASSIGN Status TDR

( Use the "Back" button of the Internet

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Word Mark

X-TREME GULP 7-ELEVEN

Goods and Services

(CANCELLED) IC 021. US 002 013 023 029 030 033 040 050. G & S: Beverage containers,

namely, mugs. FIRST USE: 20000430. FIRST USE IN COMMERCE: 20000430.

(CANCELLED) IC 032. US 045 046 048. G & S: soft drinks for consumption on or off the

premises. FIRST USE: 20000430, FIRST USE IN COMMERCE: 20000430

Mark Drawing

Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search** Code

01.15.12 - Cyclones; Tornadoes; Whirlpools

26.03.01 - Ovals as carriers and single line borders

26.11.02 - Plain single line rectangles; Rectangles (single line)

Serial Number

76031493

Filing Date

April 21, 2000

**Current Filing Basis** 

1A

Original Filing Basis

1B

**Published for** Opposition

July 10, 2001

Registration Number

2528578

Registration Date January 8, 2002

**Owner** 

(REGISTRANT) 7-Eleven, Inc. CORPORATION TEXAS 2711 North Haskell Avenue Dallas

TEXAS 75204

Attorney of Record

Charles R. Mandly, Jr

**Prior** 

0717344;0718016;1110172;AND OTHERS

Registrations Description of

Mark

The stippling is a feature of the mark and does not indicate color.

Type of Mark

**TRADEMARK** 

Register Live/Dead **PRINCIPAL** 

Indicator

DEAD

Cancellation Date October 10, 2008

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Thank you for your request. Here are the latest results from the TARR web server.

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Serial Number: 76031493 <u>Assignment Information</u> <u>Trademark Document Retrieval</u>

**Registration Number: 2528578** 

Mark



(words only): X-TREME GULP 7-ELEVEN

Standard Character claim: No

Current Status: Registration canceled under Section 8.

**Date of Status:** 2008-10-10

Filing Date: 2000-04-21

Transformed into a National Application: No

Registration Date: 2002-01-08

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-04-11

## LAST APPLICANT(S)/OWNER(S) OF RECORD

1. 7-Eleven, Inc.

Address:

7-Eleven, Inc.

2711 North Haskell Avenue

Dallas, TX 75204 United States

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

## GOODS AND/OR SERVICES

**International Class: 021** 

Class Status: Section 8 - Cancelled Beverage containers, namely, mugs

Basis: 1(a)

First Use Date: 2000-04-30

First Use in Commerce Date: 2000-04-30

**International Class: 032** 

Class Status: Section 8 - Cancelled

soft drinks for consumption on or off the premises

Basis: 1(a)

First Use Date: 2000-04-30

First Use in Commerce Date: 2000-04-30

## ADDITIONAL INFORMATION

Lining and Stippling: The stippling is a feature of the mark and does not indicate color.

Design Search Code(s):

01.15.12 - Cyclones; Tornadoes; Whirlpools

26.03.01 - Ovals as carriers and single line borders

26.11.02 - Plain single line rectangles; Rectangles (single line)

## Prior Registration Number(s):

717344

718016

1110172

## MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

## **PROSECUTION HISTORY**

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-10-10 - Canceled Section 8 (6-year)

2008-03-03 - Notice Of Suit

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2008-02-18 - Notice Of Suit

2007-04-11 - Case File In TICRS

2006-02-24 - TEAS Change Of Correspondence Received

2002-01-08 - Registered - Principal Register

2001-11-06 - Allowed for Registration - Principal Register (SOU accepted)

2001-10-30 - Assigned To Examiner

2001-10-19 - Statement of use processing complete

2001-10-09 - Amendment to Use filed

2001-10-02 - Noa Mailed - SOU Required From Applicant

2001-07-10 - Published for opposition

2001-06-27 - Notice of publication

2000-11-06 - Approved for Pub - Principal Register (Initial exam)

2000-10-26 - Examiner's amendment mailed

2000-10-18 - Non-final action mailed

2000-10-04 - Assigned To Examiner

2000-09-27 - Assigned To Examiner

## ATTORNEY/CORRESPONDENT INFORMATION

## Attorney of Record

Charles R. Mandly, Jr

## Correspondent

Charles R. Mandly, Jr. Foley & Lardner LLP Suite 2900 321 North Clark Street Chicago IL 60610-4764

Phone Number: 312-832-4398 Fax Number: 312-832-4700

6/3/2009



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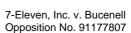
## Assignments on the Web > Trademark Query

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## For Serial Number: 76031493

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## Exhibit 10



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## Trademarks > Trademark Electronic Search System (TESS)

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Logout | Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

TARR Status ASSIGN Status TDR TTAB Status ( Use the "Back" button of the Internet

Browser to return to TESS)

## PRO CAR GULP

Word Mark PRO CAR GULP

Goods and Services IC 021. US 002 013 023 029 030 033 040 050. G & S: Reusable plastic cups. FIRST USE:

20040401. FIRST USE IN COMMERCE: 20040401

IC 032. US 045 046 048. G & S: Soft drinks for consumption on or off the premises. FIRST

USE: 20040401. FIRST USE IN COMMERCE: 20040401

**Standard Characters** 

Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78376439 Filing Date March 1, 2004

Current Filing Basis 1A
Original Filing Basis 1B

Published for Opposition November 30, 2004

Registration Number 2928007
Registration Date February 22, 2005

Owner (REGISTRANT) 7-Eleven, Inc. CORPORATION TEXAS 2711 North Haskell Avenue Dallas

TEXAS 75204

Attorney of Record Diane G. Elder
Prior Registrations 2494955
Type of Mark TRADEMARK
Register PRINCIPAL

Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG TOP HELP

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Latest Status Info Page 1 of 3

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-06-03 17:52:25 ET

Serial Number: 78376439 Assignment Information Trademark Document Retrieval

Registration Number: 2928007

Mark

## PRO CAR GULP

(words only): PRO CAR GULP

Standard Character claim: Yes

Current Status: Registered.

**Date of Status:** 2005-02-22

Filing Date: 2004-03-01

Transformed into a National Application: No

Registration Date: 2005-02-22

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact

the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 - Publication And Issue Section

**Date In Location:** 2005-02-22

## LAST APPLICANT(S)/OWNER(S) OF RECORD

1. 7-Eleven, Inc.

## Address:

7-Eleven, Inc.

2711 North Haskell Avenue

Dallas, TX 75204 United States

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

## GOODS AND/OR SERVICES

International Class: 021 Class Status: Active Reusable plastic cups

Basis: 1(a)

First Use Date: 2004-04-01

First Use in Commerce Date: 2004-04-01

International Class: 032 Class Status: Active

Soft drinks for consumption on or off the premises

Basis: 1(a)

First Use Date: 2004-04-01

First Use in Commerce Date: 2004-04-01

## ADDITIONAL INFORMATION

**Prior Registration Number(s):** 

2494955

## MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

## PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-02-24 - TEAS Change Of Correspondence Received

2005-02-22 - Registered - Principal Register

2004-11-30 - Published for opposition

2004-11-10 - Notice of publication

2004-10-19 - Assigned To Examiner

2004-09-29 - Law Office Publication Review Completed

2004-09-21 - Assigned To LIE

2004-09-20 - Approved for Pub - Principal Register (Initial exam)

2004-09-20 - Amendment to Use approved

2004-09-20 - Amendment to use processing complete

2004-04-23 - Amendment to Use filed

2004-09-20 - Amendment From Applicant Entered

2004-04-23 - Communication received from applicant

2004-09-20 - Assigned To LIE

2004-09-17 - Assigned To Examiner

2004-04-23 - TEAS Amendment of Use Received

2004-03-17 - New Application Entered In Tram

## ATTORNEY/CORRESPONDENT INFORMATION

## **Attorney of Record**

Diane G. Elder

## Correspondent

Charles R. Mandly, Jr. Foley & Lardner LLP Suite 2900 321 North Clark Street Chicago IL 60610-4764

Phone Number: 312-832-4398 Fax Number: 312-832-4700



United States Patent and Trademark Office

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## Assignments on the Web > Trademark Query

# No assignment has been recorded at the USPTO

## For Serial Number: 78376439

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Web interface last modified: October 18, 2008 v.2.0.2

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http://assignments.uspto.gov/assignments/q?db=tm&sno=78376439

6/3/2009

## Exhibit 11



## United States Patent and Trademark Office

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## Trademarks > Trademark Electronic Search System (TESS)

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Logout Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

TARR Status

**ASSIGN Status** 

TDR

( Use the "Back" button of the Internet

Browser to return to TESS)

## **BIG GULP**

Word Mark

**BIG GULP** 

**Goods and Services** 

IC 030, US 046, G & S: Confectionery products, namely candy. FIRST USE: 20050808.

FIRST USE IN COMMERCE: 20050808

Standard Characters

Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

**Serial Number** 

78612911

Filing Date

April 20, 2005

**Current Filing Basis** 

1A

**Original Filing Basis** 

1B

Published for

January 10, 2006

Opposition

3076786

**Registration Number Registration Date** 

April 4, 2006

Owner

(REGISTRANT) 7-Eleven, Inc. CORPORATION TEXAS 2711 North Haskell Avenue Dallas

**TFXAS 75204** 

Attorney of Record

Diane G. Elder

**Prior Registrations** 

1110172;1470871;2718348;AND OTHERS

Type of Mark Register

TRADEMARK **PRINCIPAL** 

Live/Dead Indicator

LIVE

TESS HOME NEW USER

STRUCTURED FREE FORM

BROWSE DICT

SEARCH OG

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Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-06-03 17:52:52 ET

Serial Number: 78612911 Assignment Information Trademark Document Retrieval

**Registration Number: 3076786** 

Mark

## **BIG GULP**

(words only): BIG GULP

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-04-04

Filing Date: 2005-04-20

Transformed into a National Application: No

Registration Date: 2006-04-04

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at <u>TrademarkAssistanceCenter@uspto.gov</u>

Current Location: 650 - Publication And Issue Section

Date In Location: 2006-04-04

## LAST APPLICANT(S)/OWNER(S) OF RECORD

1. 7-Eleven, Inc.

## Address:

7-Eleven, Inc.

2711 North Haskell Avenue

Dallas, TX 75204 United States

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

## GOODS AND/OR SERVICES

International Class: 030 Class Status: Active

Confectionery products, namely candy

Basis: 1(a)

First Use Date: 2005-08-08

First Use in Commerce Date: 2005-08-08

## ADDITIONAL INFORMATION

## Prior Registration Number(s):

1110172 1470871 2718348

## MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

## **PROSECUTION HISTORY**

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-03 - Notice Of Suit

2008-02-18 - Notice Of Suit

2006-04-04 - Registered - Principal Register

2006-02-10 - TEAS Change Of Correspondence Received

2006-01-10 - Published for opposition

2005-12-21 - Notice of publication

2005-11-23 - Law Office Publication Review Completed

2005-11-18 - Assigned To LIE

2005-11-17 - Approved for Pub - Principal Register (Initial exam)

2005-11-17 - Amendment to Use approved

2005-11-17 - Assigned To Examiner

2005-09-19 - Amendment to use processing complete

2005-09-08 - Amendment to Use filed

2005-09-08 - TEAS Amendment of Use Received

2005-04-28 - New Application Entered In Tram

## ATTORNEY/CORRESPONDENT INFORMATION

## Attorney of Record

Diane G. Elder

## Correspondent

Charles R. Mandly Jr. Foley & Lardner LLP Suite 2900 321 North Clark Street Chicago IL 60610

Phone Number: 312-832-4398 Fax Number: 312-832-4700



United States Patent and Trademark Office

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## Assignments on the Web > Trademark Query

# No assignment has been recorded at the USPTO

## For Serial Number: 78612911

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## Exhibit 12



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## Trademarks > Trademark Electronic Search System (TESS)

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BROWSE DICT SEARCH OG

\*\*Logout | Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

TARR Status

ASSIGN Status

TOR

**TTAB Status** 

( Use the "Back" button of the Internet

Browser to return to TESS)

## TEAM GULP

Word Mark

**TEAM GULP** 

Goods and Services

IC 021. US 002 013 023 029 030 033 040 050. G & S: Beverage containers, namely, reusable plastic cups, plastic sports and squeeze bottles sold empty. FIRST USE: 20050630. FIRST USE

IN COMMERCE: 20050630

Standard Characters Claimed

Mark Drawing

(4) STANDARD CHARACTER MARK

**Serial Number** 

78706473

Filing Date

Code

September 2, 2005

**Current Filing** 

1A

**Basis** 

**Original Filing** Basis

**Published for** 

Opposition

January 24, 2006

Registration

3082886

Registration Date

April 18, 2006

Owner

Number

(REGISTRANT) 7-Eleven, Inc. CORPORATION TEXAS 2711 North Haskell Avenue Dallas

**TEXAS 75204** 

Attorney of Record

Diane G. Elder

Prior Registrations

1586016;2494955;2660731;AND OTHERS

7-Eleven, Inc. v. Bucenell

Olsen Exhibits (7-Eleven)

http://www.sptd.lgov/Vin/showfield?f=doc&state=4010:dodlkm.27.1

6/3/2009

Type of Mark

**TRADEMARK PRINCIPAL** 

Register Live/Dead Indicator

LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG

| HOME | SITE INDEX | SEARCH | BUSINESS | HELP | PRIVACY POLICY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-06-03 17:53:18 ET

**Serial Number:** 78706473 Assignment Information Trademark Document Retrieval

**Registration Number: 3082886** 

Mark

## TEAM GULP

(words only): TEAM GULP

Standard Character claim: Yes

Current Status: Registered.

**Date of Status:** 2006-04-18

Filing Date: 2005-09-02

Transformed into a National Application: No

Registration Date: 2006-04-18

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 - Publication And Issue Section

Date In Location: 2006-04-18

## LAST APPLICANT(S)/OWNER(S) OF RECORD

1. 7-Eleven, Inc.

## Address:

7-Eleven, Inc.

2711 North Haskell Avenue

Dallas, TX 75204 United States

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

## GOODS AND/OR SERVICES

International Class: 021 Class Status: Active

Beverage containers, namely, reusable plastic cups, plastic sports and squeeze bottles sold empty

Basis: 1(a)

First Use Date: 2005-06-30

First Use in Commerce Date: 2005-06-30

## ADDITIONAL INFORMATION

## Prior Registration Number(s):

1586016 2494955 2660731

## MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

## PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-03 - Notice Of Suit

2008-02-18 - Notice Of Suit

2006-04-18 - Registered - Principal Register

2006-02-10 - TEAS Change Of Correspondence Received

2006-01-24 - Published for opposition

2006-01-04 - Notice of publication

2005-12-05 - Law Office Publication Review Completed

2005-11-25 - Assigned To L1E

2005-11-18 - Approved for Pub - Principal Register (Initial exam)

- 2005-11-18 Examiner's Amendment Entered
- 2005-11-18 Examiners amendment e-mailed
- 2005-11-18 Examiners Amendment Written
- 2005-11-17 Amendment to Use approved
- 2005-11-17 Assigned To Examiner
- 2005-10-04 Amendment to use processing complete
- 2005-09-27 Amendment to Use filed
- 2005-10-04 Teas/Email Correspondence Entered
- 2005-09-27 Communication received from applicant
- 2005-09-27 TEAS Amendment of Use Received
- 2005-09-12 New Application Entered In Tram

## ATTORNEY/CORRESPONDENT INFORMATION

## Attorney of Record

Diane G. Elder

## Correspondent

Charles R. Mandly Jr. Foley & Lardner LLP Suite 2900 321 North Clark Street Chicago IL 60610

Phone Number: 312-832-4398 Fax Number: 312-832-4700

United States Patent and Trademark Office

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# Assignments on the Web > Trademark Query

# No assignment has been recorded at the USPTO

## For Serial Number: 78706473

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350, Web interface last modified: October 16, 2008 v.2.0.2

| HOME | INDEX | SEARCH | BUSINESS | CONTACT US | PRIVACY STATEMENT

## Exhibit 13

Foley & Lardner LLP 321 North Clark Street Suite 2800 Chicago, IL 60610-4764

JAN 1 4 2003 ER

Re: HEALTHY GULP

<u>Application Serial No. 78/916,143</u>

Dear Mr. Copeland,

This letter is in response to your request for a supplementation of my discovery responses.

## **Document Requests**

- 2. Although the response is clear in that it states "all" labeling, your inquiry is confirmed.
- 3. The promotional materials provided comprise all materials that have been used. Please see the enclosed materials that have been created but not used.
- 4. This request is somewhat vague in that "use" is not defined. However, the Healthy Gulp mark was first "used" in July 2005 during the product concept and development phase. Please see draft logos previously provided with Applicant's original response to Opposer's discovery requests. The only other document available from this phase is an invoice from a graphic artist dated April 26, 2006 who designed a logo for Healthy Gulp that was not used, a copy of which is attached. Applicant has no other documentation available responsive to this request due to a hard drive crash of her computer in early 2007.
- 5. The response provided specifically stated that product sales did not commence until the 4<sup>th</sup> quarter of 2007 and the end of quarter sales report is not yet complete. Please state the relevance of this information to this matter and sales information will be provided when available, if relevant.
- 7. As previously stated in Interrogatory responses, Healthy Gulp is marketed worldwide via the World Wide Web at Healthygulp.com. Please feel free to print the pages off of the website at your convenience. Healthy Gulp has been given free of charge to adoptive parents of DARE (Dachshund Adoption, Rescue and Education) dogs

and at the Paws For Cocktails benefit for the Atlanta Pet Rescue on November 29, 2007. Healthy Gulp was an official sponsor of the 2007 Stampede in Wesley Chapel, Florida and samples of Healthy Gulp were given away at the event. Healthy Gulp was also showcased at the annual "Next Best Idea" contest at QVC in 2006, however, was not selected. There are no documents available from DARE responsive to this request. Copies of e-mails relative to the Paws benefit, 2007 Stampede and the QVC contest are attached hereto. Some documents relative to these events were lost due to a hard drive crash of Applicant's computer in early 2007. Healthy Gulp has been mailed throughout the country to friends and family. If necessary, a mailing list will be provided with names redacted.

- 8. Applicant has not paid for advertising to date. Applicant has incurred expenses for postage and free product samples; see copies of attached invoices for same.
- 10. There are no documents responsive to this request. The selection process for the name Healthy Gulp was one of personal brainstorming.
- 13. See attached contract with graphic artist, limited e-mails between Applicant and her graphic artist, e-mails between Applicant and her label company and invoice from label company. Some documents relative to these events were lost due to a hard drive crash of Applicant's computer in early 2007.
  - 17. There are no documents responsive to this request.
- 18. This request is not limited to experts who will be called to testify in this matter and, therefore, seeks non-discoverable documents. However, to the extent that this request is limited to experts who will be called to testify in this matter, Applicant will supplement her response, if and when appropriate.
- 20. There are no additional documents responsive to this request other than those previously provided with Applicant's discovery responses. Earlier versions of the creation and design of the Healthy Gulp mark are not available due to a hard drive crash of Applicant's computer in early 2007. Applicant is providing an invoice from a graphic artist as referenced in number four above.
- 21. Although the response is clear in that it states "all responsive documents," your inquiry is confirmed.
- 25. Applicant will not stipulate that third party uses of names or marks composed in whole or in part of the term "gulp" are not relevant to this proceeding. Applicant further notes that the wording of Interrogatory No. 15, which is referenced in document request no. 25, is vague and unclear. The only documents in Applicant's possession at this time responsive to this request are filings in the matter of 7-Eleven, Inc. v. Gulpy, copies of which are already in 7-Eleven, Inc.'s possession as it was the

## Opposer.

- 26. You are correct that Applicant's response should have referred to Interrogatory No. 18. Again, Applicant will not stipulate as proposed in your letter. See response to request no. 25 above.
- 27. The draft logos are those not used on the Healthy Gulp samples provided. There are no additional documents available responsive to this request due to a hard drive crash of Applicant's computer in early 2007.

## Interrogatories

- 1. The ordinary commercial name for the Healthy Gulp product is bottled water for cats and dogs, vitamin water for cats and dogs, bottled water for pets, and mineral and flavor enhanced bottled water for cats and dogs.
- 2. Healthy Gulp has been used as a mark for bottled water for cats and dogs. It has never been used in a different manner. However, the Healthy Gulp logo has been used on marketing products including water bowls, frisbees and t-shirts (a sample water bowl and frisbee have previously been provided with Applicant's original responses to Opposer's discovery requests).
  - 4. Please see document request no. five above.
- 5. Please see number document request no. four above. In addition to Susan B. Bucenell, Monica Cevallas of Sniff Design and Marc Miller, Murray Label & Printing participated in the design of marketing and promotional materials for Healthy Gulp.
- 6. Please see document request no. 10 above. Susan B. Bucenell is the only individual responsible for Applicant's selection, adoption and use of the name Healthy Gulp. The only individuals with knowledge of Applicant's selection of the name Healthy Gulp are her friends and family.
  - 7(a). Healthy Gulp has never been assigned from one party to another.
  - 8. Please see document request no. eight above.
- 12. Applicant had heard the name "Big Gulp" from frequenting 7-Eleven years earlier. Applicant became aware of other marks which used the word "gulp" or a form thereof, including Opposer's use of the "GULP" marks, in connection with her research for the Healthy Gulp mark.
- 15. Applicant will not stipulate as proposed in your letter. Applicant is aware of the action filed by 7-Eleven in the matter of 7-Eleven, Inc. v. Gulpy.

- 16. See response to Interrogatory no. five above.
- 18. Applicant will not stipulate as proposed in your letter. Applicant is aware of the following products which use the term "gulp": gulpy, gulp!, GULP, MaxiGulp, Gulp! Alive, Saltwater Gulp!, The Gulps!, Gulp!, Gulp Hydration Pack, Big Gulp Hydration Pack, Double Gulp Hydration Pack, Gulp Design, Gulp Beer Fountain, Gulp! Wine Newsletter, B. Gulp-it, Gulp Promotion, Cytomax Gulp 'N Go, Gulp!, The Gulp Stopper, The Garelli Gulp, Grip N Gulp, and Google Gulp!
- 19. Prior to her application for a trademark, Applicant was using the Healthy Gulp mark for product conception, development and to formulate a logo.

I trust you will find these responses adequate. Thank you for your cooperation in this regard.

Sincerely

Susan B. Bucenell Healthy Gulp

-Juent

## Exhibit 14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD		2007
7-ELEVEN, INC.,	)	Ву
Opposer,	)	
	) Opposition No. 911	77807
v.	)	
	)	
SUSAN B. BUCENELL,	)	
Applicant.	)	

## APPLICANT'S ANSWERS AND OBJECTIONS TO OPPOSER'S FIRST SET OF INTERROGATORIES

Applicant, Susan B. Bucenell ("Applicant"), hereby serves the following answers and objections to opposer, 7-Eleven, Inc.'s ("Opposer") interrogatories:

## **GENERAL OBJECTIONS**

- 1. Applicant objects to each Interrogatory to the extent that it seeks information that violates any constitutional, statutory, or common law privacy interests of Applicant and/or any current or former employee or representative of Applicant.
- 2. Applicant objects to each Interrogatory to the extent that it seeks information already within the Opposer's knowledge, possession, or control because such information is equally or more readily available to Opposer and, therefore, the Interrogatories are unduly burdensome.
- 3. Applicant objects to each Interrogatory to the extent that it seeks information not within the possession, custody, or control of Applicant because such information is equally or more readily available to Opposer and, therefore, the Interrogatories are unduly burdensome.
- 4. Applicant objects to each Interrogatory to the extent that it seeks discovery of statutes, regulations, case law or legal research as said is equally available to Opposer.
- 5. Applicant objects to each Interrogatory to the extent that it is vague, overly broad, unduly burdensome, oppressive, not relevant and not reasonably calculated to lead to the discovery of admissible evidence.
- 6. Applicant objects to the extent Opposer deemed the foregoing Interrogatories ongoing in nature. Applicant will supplement her responses hereto only to the extent required by the applicable rules of civil procedure.

- 7. Applicant reserves the right to correct errors, interpose supplemental objections, and provide supplemental Answers in the event additional documents or information responsive to these Interrogatories is discovered.
- 8. Applicant reserves the right to object to the admission into evidence of information and documents made available in Answers to any Interrogatory on any ground, including but not limited to, the ground that the information or document is privileged, irrelevant and/or immaterial to the issues in this action. Nothing in Applicant's Answers to any Interrogatory may be construed as an admission respecting the admissibility or relevance of any fact or document or of the truth or accuracy of any characterization of any kind contained in Opposer's Interrogatories.

## **ANSWERS AND SPECIFIC OBJECTIONS**

## INTERROGATORY NO. 1:

Identify by its ordinary commercial name and mark used, all products in connection with which applicant has used, uses or intends to use the mark HEALTHY GULP, or any other name or mark composed, in whole or in part, of the term "gulp" (e.g., WATER GULP, GULP), and the geographic scope of such use (hereinafter occasionally each product to be identified bearing a different name and mark may be individually described or identified as a "branded product" or "branded good").

ANSWER: The ordinary commercial name is "Healthy Gulp," currently intending to be marketed and distributed throughout the United States, North America.

## INTERROGATORY NO. 2:

- (a) For each different product and name or mark to be identified in response to Interrogatory 1 above, identify the date upon which applicant first used the identified name or mark in connection with such goods, and describe the manner and circumstances of such first use.
- (b) For each different product and name or mark to be identified in response to Interrogatory 1 above, identify whether such branded product has been continuously marketed and sold since the identified date of first use, and if such marketing and sales have not been continuous since that date, identify the dates during which such branded goods were not marketed and sold, the reason such branded goods were not marketed and sold during such period.

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- (a) Identified Mark "Healthy Gulp" was first used in August of 2005 while conducting concept and product development.
- (b) Healthy Gulp has been continuously marketed since August of 2005. Sales of Healthy Gulp did not commence until late August of 2007.

## **INTERROGATORY NO. 3:**

For each different product and name or mark to be identified in response to Interrogatory 1 above, identify the method of sale and distribution, and describe with particularity the channels of distribution and channels of trade with which applicant has used, uses, or intends to sell and distribute each identified branded good.

ANSWER: Healthy Gulp is currently distributed solely by Applicant through Healthy Gulp's website, www.healthygulp.com, and through Ebay's website, www.ebay.com. Applicant reserves the right to change her methods of sale and distribution in the future although she has no specific plans to do so now.

## INTERROGATORY NO. 4:

Identify the annual volume of sales, in dollars and units, of each branded product to be identified in response to Interrogatory Number 1 above.

ANSWER: Objection. The information sought by this interrogatory is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, Healthy Gulp does not have any "annual" sales figures. Product sales did not commence until late August 2007. Therefore, once end of year sales figures are available, applicant will provide those figures.

## **INTERROGATORY NO. 5:**

Identify each person who participated in the creation or design of any advertising, marketing or other promotional materials used or intended for use in connection with each branded product to be identified in response to Interrogatory Number 1 above.

**ANSWER:** Objection. The information sought by this interrogatory is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

## INTERROGATORY NO. 6:

For each name or mark to be identified in response to Interrogatory Number 1 above:

- (a) Identify each person responsible for applicant's selection, adoption and use of the name or mark; and,
- (b) If not identified in Interrogatory Number 6 (a) above, identify all persons with knowledge of applicant's selection, adoption and use of the name or mark.

ANSWER: Objection. The information sought by this interrogatory is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, the information sought by this Interrogatory is overly broad and unduly burdensome to the extent that is seeks identification of "all persons" with knowledge of Applicant's use of the name "Healthy Gulp."

## INTERROGATORY NO. 7:

- (a) For each name or mark to be identified in response to Interrogatory Number 1 above, identify, by date of assignment, parties thereto, subject name or mark, subject goods, services or business, each assignment of trademark, trade name or other trade identity rights, of which applicant has any knowledge.
- (b) For each name or mark to be identified in response to Interrogatory Number 1 above, identify, by date of license grant or consent, parties thereto, subject name or mark, subject goods, services or business, each assignment or consent to use of trademark, trade name or other trade identity rights, of which applicant has any knowledge.
- (c) Identify each person with knowledge of the facts to be identified in Interrogatory Number 7(a) and Interrogatory Number 7(b) above.

## ANSWER:

- (a) Healthy Gulp. See <u>www.uspto.com</u> All responsive documents are available online.
- (b) None.
- (c) Applicant, Susan B. Bucenell

## **INTERROGATORY NO. 8:**

Describe with particularity all advertising and promotional material which has ever been used by applicant for each branded product to be identified in response to Interrogatory Number 1 above, including, but not limited to the specific types of advertising used (e.g., catalogs, brochures, television advertising, radio advertising, newspaper advertising, etc., the date when such advertising was used and the geographic location (identified by state) where such advertising was used, state the total expenditures each month, categorized by advertising method, for such advertising from first use to date; identify the person(s) most knowledgeable about information responsive to this interrogatory.

ANSWER: Objection. The information sought by this interrogatory is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, see attached copies of marketing materials used by Applicant to market Healthy Gulp.

## **INTERROGATORY NO. 9:**

Identify, by date conducted, persons involved, subject mark or other pertinent subject matter designation, methodology employed and results obtained, every survey, investigation, trademark search or other inquiry conducted by, or on behalf, of applicant in connection with each name or mark to be identified in response to Interrogatory Number 1 above, and identify each person with knowledge of each such survey, investigation, trademark search or other inquiry.

**ANSWER:** None.

## INTERROGATORY NO. 10:

If not identified in response to Interrogatory Number 9 above, identify, by date conducted, persons involved, subject mark or other pertinent subject matter designation, methodology employed and results obtained, every survey, consumer reaction test, market test, poll or research, or other inquiry conducted by, or on behalf of applicant in connection with each name or mark to be identified in response to Interrogatory Number 1 above, and identify each person with knowledge of each such survey, consumer reaction test, market test, poll or research, or other inquiry.

**ANSWER:** See response to Interrogatory No. 9.

### INTERROGATORY NO. 11:

For each name or mark to be identified in response to Interrogatory Number 1 above, identify, by subject name or mark, subject goods, services or business, person rendering and person receiving, each and every opinion concerning trademark, trade name or other trade identity rights thereto of which applicant has any knowledge.

**ANSWER:** Objection. The information sought by this interrogatory is not relevant, not reasonably calculated to lead to the discovery of admissible evidence and vague. Subject to the foregoing objections, none.

### INTERROGATORY NO. 12:

- (a) Describe the circumstances under which applicant first obtained any knowledge or information about opposer's use of each of the GULP Marks.
- (b) If not identified in response to Interrogatory Number 12(a) above, identify each fact concerning opposer and its use of each of the GULP Marks of which applicant has any knowledge.
- (c) Identify each person who has knowledge of each fact to be identified in response to Interrogatory Number 12(a) and Interrogatory Number 12(b) above.

**ANSWER:** Objection. The information sought by this interrogatory is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

### INTERROGATORY NO. 13:

Identify each person applicant intends to call as an expert in this proceeding, and as to each such expert state:

- (a) The subject matter on which he is expected to testify;
- (b) The substance of the facts and opinions to which he is expected to testify; and,
- (c) A summary of the grounds for each opinion including the identification and description of each document the expert used or relied upon in forming each opinion.

Answer: Applicant has not yet determined whether she will call an expert witness to testify at the proceeding of this matter. Applicant will supplement her response hereto if and when appropriate.

### INTERROGATORY NO. 14:

If not previously identified, identify, by date conducted, persons involved, subject mark or other pertinent subject matter designation, methodology employed and results obtained, any investigation, search, survey, test, study, poll or other inquiry which refer or relate in anyway to opposer or any of its GULP Marks.

**ANSWER:** See response to Interrogatory No. 9.

### INTERROGATORY NO. 15:

Identify, by subject name, mark or other right, subject goods, services or business, person making protest or objection, person receiving protest or objection, date of such protest or objection, basis for such protest or objection, and outcome of such protest or objection, each objection or protest relating to the use of any trade name, trademark or other trade identity right composed, in whole or in part, of the term "gulp", of which applicant has any knowledge.

ANSWER: Objection. The information sought by this interrogatory is not relevant and not reasonably calculated to lead to the discovery of admissible evidence as it does not appear to be limited to protests or objections to "Healthy Gulp." Moreover, the information sought by this Interrogatory is overly broad, unduly burdensome and equally available to Opposer as to Applicant. Subject to the foregoing objections, Applicant is not aware of any other party objecting to her use of the name "Healthy Gulp" other than Opposer.

### INTERROGATORY NO. 16:

For each branded product to be identified in Interrogatory Number 1 above, identify each person who participated in the creation or design or any package, label, tag, wrapper or other form of marking used or intended for use in connection with each product.

ANSWER: Objection. The information sought by this interrogatory is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, Applicant has agreed to provide Opposer with sample specimens of Healthy Gulp which include a product label. See response to Request for Production No. 1.

### INTERROGATORY NO. 17:

Identify, by persons involved, location and date of occurrence, each instance of actual confusion, mistake or deception, involving on the one hand, applicant or applicant's use of any of the names or mark to be identified in Interrogatory Number 1 above, and, on the other hand, opposer or opposer's use of any of the GULP Marks; and identify each person who has knowledge or information regarding each such instance of actual confusion, mistake or deception.

**ANSWER:** None.

### INTERROGATORY NO. 18:

Identify, by person manufacturing or distributing, particular trademark or name in use, ordinary commercial name of goods, annual volume of products distributed, and geographic territory in which distributed, each third party product known to applicant to be sold or distributed in the United States under a name or mark composed, in whole or in part, of the term "gulp."

ANSWER: Objection. The information sought by this interrogatory is not relevant and not reasonably calculated to lead to the discovery of admissible evidence as it does not appear to be limited to "Healthy Gulp." Moreover, the information sought by this Interrogatory is overly broad, unduly burdensome and equally available to Opposer as to Applicant.

### INTERROGATORY NO. 19:

If not previously identified, identify and describe in detail all use by Applicant of the mark HEALTHY GULP prior to June 24, 2006.

ANSWER:

See response to Interrogatory No. 2.

Respectfully submitted,

Susan B. Bucenell 30623 Bittsbury Court

Wesley Chapel, FL 33543

### **CERTIFICATE OF SERVICE**

I, Susan B. Bucenell, hereby certify that a copy of the foregoing, APPLICANT'S ANSWERS AND OBJECTIONS TO OPPOSER'S FIRST SET OF INTERROGATORIES was served on the following counsel of record this 1st day of October, 2007, by mailing a true and accurate copy of same via US Mail postage prepaid:

Craig S. Fochler Charles R. Mandly David A. Copland 321 North Clark Street Chicago, Illinois 60610

Susan B. Bucenell

7-Eleven, Inc. v. Bucenell Opposition No. 91177807

### Exhibit 15

### **Main Identity**

From:

"Rob Hobson" <rob@freshbru.com>

To:

"sue & jim bucenell" <SBUCENELL@tampabay.rr.com> Tuesday, October 03, 2006 12:52 PM

Sent: Subject:

Fw: HELTHY GULP water proofs

sue,

below is back and fourth dialogue with label supplier. the only way to keep the label plate charge down is to use the dog & cat logo for all three labels.

we can look at reducing the number of colors as one way to reduce the cost.

just let me know what you want to do.

rob

— Original Message —

From: Marc Miller To: Rob Hobson

Sent: Tuesday, October 03, 2006 12:18 PM Subject: Re: HELTHY GULP water proofs

Rob

The plates are \$75 each.

If we use the three different pictures, there will be 13 plates for a total of \$975.

If we use the same picture with different color backgrounds and different flavor water names (on the black plate), there will be 7 plates for a total of \$525.

There is also a design fee of only \$100.

Call or email if you have any questions.

Thank You, Marc Miller Murray Label & Printing ph 972.234.2220 fx 972.234.2239

On Oct 3, 2006, at 6:36 AM, Rob Hobson wrote:

marc,

labels look good. waiting on feedback from customer. if there is no way to have common plates, can you advise what the plate charges will be for this so i can advise the customer?

tks,

rob

---- Original Message ----

From: Marc Miller To: Rob Hobson

Sent: Thursday, September 28, 2006 1:36 PM

Subject: HELTHY GULP water proofs

Rob,

There's no way to have common plates (as you and James discussed) with the picture changing on each item.

The only way we could do that is to use the 'Cat & Dog' picture on all three and change the black plate with the Bar Code and item flavor - we could also have one background plate and change the color for each item on press.

I hope this helps. Let me know -

Thank You, Marc Miller Murray Label & Printing ph 972.234.2220 fx 972.234.2239

On Sep 27, 2006, at 2:36 PM, Rob Hobson wrote:

marc,

yes - we will be using the same bottle that we use for sqwincher

it will be three flavor profiles dog and cat logo - plain water - barcode is 6 89076 73614 5 cat logo - tuna flavored water - barcode is 6 89076 73624 4 dog logo - peanut butter flavored water - barcode is 6 89076 73604 6

i am attaching a mock up/finished of the dog water. it has nutritional, barcode, etc. you can use the info on this for the other two. it will also give you a general idea of the layout. if you have ideas or better way to lay it out - feel free to use any artistic liberty you want.

Throw bottom right somewhere "Patent Pending Formula"

on the left side or wherever you think it wors best is some consumer info

Healthy Gulp (TM logo next to it) has been naturally flavored, and specially formulated to give your pet the added nutrition not available in their food. It contains the patented ingredient Purogene (TM logo next to it), which kills the active bacteria in their mouth that cause tooth decay, and bad breath. It contains water soluable fiber and glycerin which will aid cats in the elimination of hair

balls. As a Pet Parent you should feel good about giving your pet Healthy Gulp (TM), because they deserve bottled water too.

talking to james, we want to create the label to where there only needs to be a base plate change per item ( i dont know what that means but i am sure you do).

as far as colors - i really dont know. whatever you think looks best. good contrast, polished and clean. whatever you can do is better than what she has.

---- Original Message -----

From: Marc Miller To: Rob Hobson

Sent: Wednesday, September 27, 2006 3:09 PM

Subject: Re: label art

Hey, Rob - I'll take a shot at it.

Are they the same size as the Sqwencher labels?
What basic color do you want the background to be?
Should I mock up Nut. Facts and other statements on the sides?

Thank You, Marc Miller Murray Label & Printing ph 972.234.2220 fx 972.234.2239

On Sep 27, 2006, at 1:37 PM, Rob Hobson wrote:

Mark,

I need help getting this artwork finalized into label format. The customers designer never finished it. Can you help me with this?

Thanks,

Rob

<LOGO\_CMYK\_Color\_Palette.eps.zip><HG\_CAT\_Logo.eps.zip><HG\_CAT\_Logo\_F Bucenell Bar Code #1.tif><J Bucenell Bar Code #2.tif><J Bucenell Bar Code #3.tif><Healthy Gulp Dog.pdf>

### Exhibit 16

Foley & Lardner LLP Mr. David A. Copland 321 North Clark Street Suite 2800 Chicago, IL 60610-4764

> Re: HEALTHY GULP Application Serial No. 78/916,143

Dear Mr. Copland,

I am in receipt of your DECLARATION OF DAVID A. COPLAND IN SUPPORT OF OPPOSER'S MOTION FOR AN ORDER TO COMPEL, OPPOSER'S MOTION FOR AN ORDER TO COMPEL APPLICANT'S RESPONSES TO DISCOVERY, and OPPOSER'S MEMORANDUM OF LAW AND FACT IN SUPPORT OF IT'S MOTION, filed with the Board on behalf of 7-Eleven, the Opposer.

I was surprised by these Motions, as I was not aware that I had not complied with your requests for discovery. Your request for supplementation of my discovery responses were provided in my letter dated January 9, 2008. (Attachment A).

There seems to be three areas you feel as though I have not complied with your discovery requests: Healthy Gulp sales data, the geographical area that Healthy Gulp is sold and marketed, and detailed information and documents of third party uses of the term "gulp".

### **HEALTHY GULP SALES DATA (Int. No. 4 & Reg. No. 5)**

Regarding Healthy Gulp's sales data, I direct your attention to #5 in Attachment A. I stated, "The response provided specifically stated that product sales did not commence until the 4th quarter of 2007 and the end of the quarter sales report is not yet complete. Please state the relevance of this information to this matter and sales information will be provided when available, if relevant."

I was waiting on your response as to its relevance. And since I had not received any response, I did not provide them. Nevertheless, subject to, and without waiver of the foregoing objection to its relevance, Healthy Gulp's total sales for year ending 2007 were \$456.00. This figure does not include marketing and promotional product give-aways.

These sales were a combination of internet sales generated from Healthy Gulp's website, sales prompted by a previous free sample of Healthy Gulp, or word of mouth sales through others who had seen or heard of Healthy Gulp.

As for documents regarding these sales and where they were made, most were cash sales and no

records exist. The geographical territory in which these sales were made and sent to is discussed in the next section.

### GEOGRAPHIC TERRITORY OF MARKETING, SALES, DISTRIBUTION (Req. No. 7)

As previously stated in Interrogatory responses and in my letter dated January 9th, 2008, Healthy Gulp is marketed worldwide via the World Wide Web at <a href="www.healthygulp.com">www.healthygulp.com</a>. Healthy Gulp is sold and distributed via this website. Healthy Gulp has also been sold, marketed and distributed locally (Applicants geographical area) and nationally, as cash sales and promotional free samples. I have detailed these events in previous responses and have provided all documents responsive to this request.

I again direct your attention to Attachment A. Postal receipts which detailed exactly where each Healthy Gulp shipment was sent. This included the town, state and zip code of each order and/or free sample. Therefore, I have provided very specific information regarding where sales have been made and where products were shipped to include sales as well as promotional samples.

Further, I provided details and documents regarding other promotional events in which Healthy Gulp was a participant. Yet in your motion you indicate that "Bucenell also referenced a fund raising event related to an organization with the word "Atlanta" in its name, but provided no clear information regarding where the event was or how the mark was used in association with the mark"

My apologies, Atlanta is in the State of Georgia. And to be clear, my response indicated that this particular event you made reference to was Paws for Cocktails, a benefit for the Atlanta Pet Rescue and that Healthy Gulp was given away free of charge. Additionally, a copy of the invitation was provided to you that does provide the exact address for the Paws For Cocktails Fund Raiser Event. It was at the Park Tavern, Piedmont Park, at the corner of 10th and Monroe, in Atlanta. (In the State of Georgia)

Moreover, if you review the copies of the e-mails that were provided with my letter, regarding this event, it is clear how Healthy Gulp was used in association with this event-as door prizes and giveaways.

Regarding the contest at QVC, you indicated that "Bucenell...but has provided no clear information regarding where the contest was or how the mark was used in association with the contest." On the contrary, you were provided with a copy of the Product Search Event Confirmation email. In it you will notice that Oprah's Search for the Next Big Idea was at the QVC Studio Park, 1200 Wilson Drive, West Chester, PA., 19380. Healthy Gulp was one of hundreds of products selected to be displayed and evaluated for Oprah's/QVC Contest entitled "The Next Big Idea".

In view of the foregoing, I believe that I have complied with your discovery requests, and have no further documents responsive to Req. No 7, other than those already provided. Perhaps you should review the documents in their entirety prior to advising the Board that Healthy Gulp has

not complied.

### KNOWLEDGE OF THIRD PARTY "GULP" PRODUCTS (Int. No. 18 & Req. No. 26)

In your motion you indicate that "Bucenell has offered no legitimate grounds for her failure to comply with 7-Eleven's discovery requests." I did not know I had not complied. In fact, in two previous responses, Applicants Responses to Opposer's Interrogatories and again in my letter (Attachment A) dated January 9, 2008 supplementing my discovery responses I provided responses to both Int. No. 18 and Req. No. 26. Regarding Req. No. 26, I indicated that the only documents that I had relating to this request were those relating to 7-Eleven vs. Wechsler. They were and still are the only documents that I have relating to Req. No. 26.

Regarding Int. No. 18, I provided the names of 22 products which I was aware of that had used the word "gulp". These are third party products and companies and I am not privy to the annual volume of products distributed and the geographic territory in which they are distributed.

I became of aware of these third party products that use the name "gulp" in their product name via internet research. A search conducted on the USPTO website of live trademark names using the key word "gulp" revealed numerous names, many of which belong to the Opposer, others do not. I also conducted a search on the internet using the "Google" search engine. I searched the key word "gulp" to find additional products using the word "Gulp" in their product name. This search netted over 5 million "hits". I then vetted out those "hits" that were products containing the word "gulp" in their name. I did this for approximately 15-20 pages of "hits" and then simply wrote the names on a piece of scrap paper. I have provided these names in my letter supplementing discovery requests.

Attached please find a copy of the piece of scrap paper that I used to write these names on. (Attachment B) I do not have any other documents relative to this request. Moreover, this information is equally available to the Opposer by conducting the same simple internet searches.

However, in your Motion to Compel you indicate that "Opposer finds it surprising that applicant has identified 21 other names or marks yet has no documents related to the same." The Applicant finds it surprising that the Opposer is not aware of these products and has not done these same simple searches. The applicant also finds it offensive that you would insinuate that I have these documents and willfully ignored a judicial request for them.

As you can see, I had no reason to believe that I had not complied with your discovery requests. In view of the foregoing clarifications, please advise if you intend to withdraw your Motion to Compel.

Sincerely.

Susan B. Bucenell Healthy Gulp



January 9, 250 8

Foley & Lardner LLP 321 North Clark Street Suite 2800 Chicago, IL 60610-4764

Re: HEALTHY GULP
Application Serial No. 78/916,143

Dear Mr. Copeland,

This letter is in response to your request for a supplementation of my discovery responses.

### **Document Requests**

- 2. Although the response is clear in that it states "all" labeling, your inquiry is confirmed.
- 3. The promotional materials provided comprise all materials that have been used. Please see the enclosed materials that have been created but not used.
- 4. This request is somewhat vague in that "use" is not defined. However, the Healthy Gulp mark was first "used" in July 2005 during the product concept and development phase. Please see draft logos previously provided with Applicant's original response to Opposer's discovery requests. The only other document available from this phase is an invoice from a graphic artist dated April 26, 2006 who designed a logo for Healthy Gulp that was not used, a copy of which is attached. Applicant has no other documentation available responsive to this request due to a hard drive crash of her computer in early 2007.
- 5. The response provided specifically stated that product sales did not commence until the 4<sup>th</sup> quarter of 2007 and the end of quarter sales report is not yet complete. Please state the relevance of this information to this matter and sales information will be provided when available, if relevant.
- 7. As previously stated in Interrogatory responses, Healthy Gulp is marketed worldwide via the World Wide Web at Healthygulp.com. Please feel free to print the pages off of the website at your convenience. Healthy Gulp has been given free of charge to adoptive parents of DARE (Dachshund Adoption, Rescue and Education) dogs

and at the Paws For Cocktails benefit for the Atlanta Pet Rescue on November 29, 2007. Healthy Gulp was an official sponsor of the 2007 Stampede in Wesley Chapel, Florida and samples of Healthy Gulp were given away at the event. Healthy Gulp was also showcased at the annual "Next Best Idea" contest at QVC in 2006, however, was not selected. There are no documents available from DARE responsive to this request. Copies of e-mails relative to the Paws benefit, 2007 Stampede and the QVC contest are attached hereto. Some documents relative to these events were lost due to a hard drive crash of Applicant's computer in early 2007. Healthy Gulp has been mailed throughout the country to friends and family. If necessary, a mailing list will be provided with names redacted.

- 8. Applicant has not paid for advertising to date. Applicant has incurred expenses for postage and free product samples; see copies of attached invoices for same.
- 10. There are no documents responsive to this request. The selection process for the name Healthy Gulp was one of personal brainstorming.
- 13. See attached contract with graphic artist, limited e-mails between Applicant and her graphic artist, e-mails between Applicant and her label company and invoice from label company. Some documents relative to these events were lost due to a hard drive crash of Applicant's computer in early 2007.
  - 17. There are no documents responsive to this request.
- 18. This request is not limited to experts who will be called to testify in this matter and, therefore, seeks non-discoverable documents. However, to the extent that this request is limited to experts who will be called to testify in this matter, Applicant will supplement her response, if and when appropriate.
- 20. There are no additional documents responsive to this request other than those previously provided with Applicant's discovery responses. Earlier versions of the creation and design of the Healthy Gulp mark are not available due to a hard drive crash of Applicant's computer in early 2007. Applicant is providing an invoice from a graphic artist as referenced in number four above.
- 21. Although the response is clear in that it states "all responsive documents," your inquiry is confirmed.
- 25. Applicant will not stipulate that third party uses of names or marks composed in whole or in part of the term "gulp" are not relevant to this proceeding. Applicant further notes that the wording of Interrogatory No. 15, which is referenced in document request no. 25, is vague and unclear. The only documents in Applicant's possession at this time responsive to this request are filings in the matter of 7-Eleven, Inc. v. Gulpy, copies of which are already in 7-Eleven, Inc.'s possession as it was the

### Opposer.

- 26. You are correct that Applicant's response should have referred to Interrogatory No. 18. Again, Applicant will not stipulate as proposed in your letter. See response to request no. 25 above.
- 27. The draft logos are those not used on the Healthy Gulp samples provided. There are no additional documents available responsive to this request due to a hard drive crash of Applicant's computer in early 2007.

### Interrogatories

- 1. The ordinary commercial name for the Healthy Gulp product is bottled water for cats and dogs, vitamin water for cats and dogs, bottled water for pets, and mineral and flavor enhanced bottled water for cats and dogs.
- 2. Healthy Gulp has been used as a mark for bottled water for cats and dogs. It has never been used in a different manner. However, the Healthy Gulp logo has been used on marketing products including water bowls, frisbees and t-shirts (a sample water bowl and frisbee have previously been provided with Applicant's original responses to Opposer's discovery requests).
  - 4. Please see document request no. five above.
- 5. Please see number document request no. four above. In addition to Susan B. Bucenell, Monica Cevallas of Sniff Design and Marc Miller, Murray Label & Printing participated in the design of marketing and promotional materials for Healthy Gulp.
- 6. Please see document request no. 10 above. Susan B. Bucenell is the only individual responsible for Applicant's selection, adoption and use of the name Healthy Gulp. The only individuals with knowledge of Applicant's selection of the name Healthy Gulp are her friends and family.
  - 7(a). Healthy Gulp has never been assigned from one party to another.
  - 8. Please see document request no. eight above.
- 12. Applicant had heard the name "Big Gulp" from frequenting 7-Eleven years earlier. Applicant became aware of other marks which used the word "gulp" or a form thereof, including Opposer's use of the "GULP" marks, in connection with her research for the Healthy Gulp mark.
- 15. Applicant will not stipulate as proposed in your letter. Applicant is aware of the action filed by 7-Eleven in the matter of 7-Eleven, Inc. v. Gulpy.

- 16. See response to Interrogatory no. five above.
- 18. Applicant will not stipulate as proposed in your letter. Applicant is aware of the following products which use the term "gulp": gulpy, gulp!, GULP, MaxiGulp, Gulp! Alive, Saltwater Gulp!, The Gulps!, Gulp!, Gulp Hydration Pack, Big Gulp Hydration Pack, Double Gulp Hydration Pack, Gulp Design, Gulp Beer Fountain, Gulp! Wine Newsletter, B. Gulp-it, Gulp Promotion, Cytomax Gulp 'N Go, Gulp!, The Gulp Stopper, The Garelli Gulp, Grip N Gulp, and Google Gulp!
- 19. Prior to her application for a trademark, Applicant was using the Healthy Gulp mark for product conception, development and to formulate a logo.

I trust you will find these responses adequate. Thank you for your cooperation in this regard.

Sincerely,

Susan B. Bucenell Healthy Gulp

well

Berkleyfishing Backet-5 www.robbinsinternatural Nollene con GripNGUIP KIds Gulp! Alive Gulp 1 Garelli 1969 Sultualistip! GUIP.
www.cybermetercycle.com MGUIPS www.white light disigns. by Roumary Wells ine g?-tleven druks in Gulp! -Gabriella Goddind Sylphydrahn Pack hylinski sierra, Dubugup, Biggup Bissip fre ason froducts Gulpdisyn The Gulp Stopper - a des distr a dussie du com. Gulp beer fountain Gulp! - wire nuver B. Gulp-it GUIP! -The unspillable vast Gulp Promotion Cytmax 50 7-Figure P. Bucenell -official sel

### Exhibit 17













### Exhibit 18

### register.com

Don't just make a website. **Make an impact.** 



### Whois Results

Do another WHOIS lookup | Backorder this domain name

Print Click here for a printer-friendly version NOTICE AND TERMS OF USE: You are not authorized to access or query our WHOIS database through the use of high-volume, automated, electronic processes. The Data in Network Solutions' WHOIS database is provided by Network Solutions for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. Network Solutions does not guarantee its accuracy. By submitting a WHOIS query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail, telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to Network Solutions (or its computer systems). The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of Network Solutions. You agree not to use high-volume, automated, electronic processes to access or query the WHOIS database. Network Solutions reserves the right to terminate your access to the WHOIS database in its sole discretion, including without limitation, for excessive querying of the WHOIS database or for failure to otherwise abide by this policy. Network Solutions reserves the right to modify these terms at any time.

Get a FREE domain name registration, transfer, or renewal with any annual hosting package.

http://www.networksolutions.com

Visit AboutUs.org for more information about HEALTHYGULP.COM AboutUs: HEALTHYGULP.COM

Registrant: Bucenell, Sue c/o Network Solutions

ATTN: HEALTHYGULP.COM P.O. Box 447

Herndon, VA. 20172-0447



Gre

Try (

**Acc**€

Get

Get

Forn

Domain Name: HEALTHYGULP.COM

Promote your business to millions of viewers for only \$1 a month Learn how you can get an Enhanced Business Listing here for your domain name. Learn more at http://www.NetworkSolutions.com/

Administrative Contact, Technical Contact:
Bucenell, Sue wx9yh2xs73a@networksolutionsprivateregistration.com
ATTN: HEALTHYGULP.COM
c/o Network Solutions
P.O. Box 447
Herndon, VA 20172-0447
570-708-8780

Record expires on 12-Dec-2009. Record created on 12-Dec-2005. Database last updated on 4-Jun-2009 14:57:33 EDT.

Domain servers in listed order:

NS5.WEBCONTROLCENTER.COM 216.119.106.5 NS6.WEBCONTROLCENTER.COM 216.119.106.6

This listing is a Network Solutions Private Registration. Mail correspondence to this address must be sent via USPS Express Mail(TM) or USPS Certified Mail(R); all other mail will not be processed. Be sure to include the registrant's domain name in the address.

The Registry database contains ONLY .COM, .NET, .EDU domains and Registrars.

Print Click here for a printer-friendly version
Do another WHOIS lookup | Backorder this domain name









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Call us toll free at 1.877.316.4987; Outside the US please call 1.902.749.5941

### Exhibit 19



7-Eleven, Inc. v. Bucenell Opposition No. 91177807 Olsen Exhibits (7-Eleven) Page 124

Heat-related injuries are on the rise in the United States, many of which result in temporary disability or worse. Most of these injuries could have been prevented with one simple solution \_\_\_\_ Sqwincher!

Sqwincher's electrolyte replacement formula was designed specifically for the high heat stress environment of industry. Sqwincher is absorbed into the body 98% faster than water alone, allowing the body to replenish the electrolytes and minerals needed for rehydration. Plus, Sqwincher contains twice the potassium and half the sodium compared to other sports drinks used in industry. And it tastes better.

Since 1975, The Sqwincher Corporation has been dedicated to providing industry with an economical, effective method to reduce the rate of heat stress induced injuries and improve worker productivity. Talk to your Sqwincher Distributor today about the wide variety of package sizes and dispensing options available - and which one will best suit your particular needs. *1-800-654-1920* 

The Sqwincher Corporation • P.O. Box 8250 Columbus, MS 39705-8250

Website: www.sqwincher.com • E-mail: info@sqwincher.com

### PACKAGING OPTIONS



### LIQUID CONCENTRATE (1 TO 5)

PACKAGE SIZE PACKAGE YIELD 128 oz. 6 gallons

**CASE YIELD** 

4 bottles/case yields 24 gallons

Flavors: Grape, Orange, Fruit Punch, Lemon-Lime



### LIQUID CONCENTRATE (1 TO 9) Regular and Sugar Free "Lite" Version\*\*

PACKAGE SIZE	PACKAGE YIELD	CASE YIEL
12.8 oz.	1 gallon	20 gallons
32 oz.	2.5 gallons	30 gallons
64 oz.**	5 gallons	30 gallons

Flavors\*: Cherry, Grape, Lemonade, Orange, Fruit Punch, Strawberry, Lemon-Lime, Tropical Cooler, Mixed Berry, Cool Citrus

\*\* Note: Sqwincher Lite Liquid Concentrate Available Only In 64 oz. Packages in Orange, Fruit Punch, Grape and Lemon-Lime Flavors.





### PACKAGE SIZE PACKAGE VIELD

11 oz 20 ounces 06.07 8 ounces

CASE YIELD: 500 Total Stiks.

.11 oz: 10 packs of 50 stiks per case .06 oz: 500 loose packed stiks per case

Flavors: Fruit Punch, Orange, Mixed Berry, Lemonade Raspberry, Peach Tea, Lemon-Lime & Grape (.06 oz Available in Orange, Fruit Punch, Mixed Berry, Lemonade Grape & Lemon-Lime)



### SQWINCHER SQWEEZE

PACKAGE SIZE

3 oz

PACKAGE YIELD 3 ounces

CASE YIELD

150 Single Servings (15 packs of 10 freezer pops) Case is assorted in equal amounts of the following flavors: Orange, Grape, Lemon-Lime, Cherry, Mixed Berry

All Havers not available in all package sizes.

Olsen Exhibits (7-Electronic Role of Carbot Parkage Sizes.)

Source Role of Carbot Parkage Electrolyte Fluid Replacement in the Endustrial Environment. Human Performance Laboratory, University of Alabama, Tuscaloosa, AL, 1997.

### PRODUCT COMPARISON SODIUM **POTASSIUM PRODUCT MAGNESIUM** SOWINGHER ® 55 mg 45 mg .47 mg SOWINGHER © LITTE .47 mg 55 ma 45 ma GATORADE 110 mg 25 mg not shown **CUICKICK**® 116 mg 23 mg not shown AVGL SOFT DRINK 16 mg 13 mg not shown CARBOHYDRATES CALORIES SQWINCHER® 16 g 60 SOWINGHER ® LITTE 0 g 0 g CATORADE 16 g 55 **CALCALIGK** ® 11 g 43



AVG. SOFT DRINK

### POWDER PACK<sup>™</sup> (DRY MIX)

Quickick are registered trademarks. Product comparison based on an 8 oz. serving.

PACKAGE SIZ	ZE PACKAGE YIELD	CASE YIELD
9.53 oz.	1 gallon	80 gallons
23.83 oz.	2.5 gallons	80 gallons
47.66 oz.	5 gallons	80 gallons

26.8 g

107

Flavors\*: Cherry, Grape, Lemonade, Orange, Fruit Punch, Lemon-Lime, Tropical Cooler, Mixed Berry, Cool Citrus, Tea



The package is your cup for a handy single serving of 6 oz. drink when water is added.

PACKAGE SIZE PACKAGE YIELD CASE YIELD 6 07 6 ounces 200 packs yield 200 servings

Flavors: Cherry, Grape, Lemonade, Orange, Fruit Punch. Lemon-Lime, Tropical Cooler, Mixed Berry, Cool Citrus, Tea (Sugar Free LITE Fast Packs are available in Orange & Fruit Punch flavors only)



### READY TO DRINK

PACKAGE SIZE	CASE YIELD
8.45 oz. pack	27 servings
12 oz. cans	24 servings
20 oz. Regular Bottles	24 servings
20 oz. Wide Mouth Bottles	24 servings
12 oz. Lite Plastic Bottles	24 servings

Flavors\* : Cherry, Grape, Lemonade, Orange Fruit Punch, Lemon-Lime, Tropical Cooler, Mixed Berry, Cool Citrus



### SQWINCHER QWIKPAK (BAG-IN-BOX) Gallon Sqwincher Lite Ready-to-Drink

PACKAGE SIZE PACKAGE YIELD

CASE YIELD

3 gallons (48 - eight ounce servings)

Flavors: Orange Lite and Fruit Punch Lite



### SERVASTATION KIT

### KIT INCLUDES

- 1 wall mount basket with 200/12 oz. disposable instruction plate cups marked with instruction plate
- concentrate and fill
- Two (2) 1 oz. pump spouts

### SQWINCHER COOLERS & MIXING PADDLES





attractive display unit of Sqwincher 20 oz. RTD

### Exhibit 20















Home Our Story Benefits How We Compare Purr-chase News & More

# Healthy Gulp...

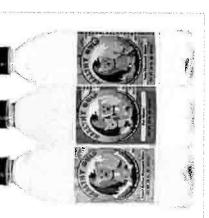
Because we deserve bottled water roof

The healthy alternative to tap water-because they deserve bottled water too!

tester, Willow - "Two paws

Check out our official taste

Purr-chase Healthy Gulp!



# Ruff-views (testimonials)



Angus begging for more Healthy Guíp!

Angus just loves Healthy Gulp! Thanks for the samples, where can we get more? Kim Special-GA

### Our Mission:

To produce the highest quality, most nutritionally beneficial bottled water for our pet, while helping some pet charities along the way.

# Why should I buy Healthy Gulp?

These levels although acceptable for us may not be safe for our pets. Their smaller size puts them at risk for many harmful health effects that these contaminants and additives can cause such as, kidney problems, cancer, Tap water can contain low levels chlorine, lead, disinfection byproducts, fluoride and other contaminants added to make it safe for us to drink. brittle bones, and more.

### Our Story:

It all began with a family discussion, two persistently curious kids, and a very expensive but incredible learning experience, and a year and a half later...Healthy Gulp was born! To read the detailed story click here. mom who dared to ask-Why not? Countless sleepless nights, a gazillion Google searches, almost as many midnight and early morning emails, a

Our very own "Willow" loves Healthy Gulp and we are certain your furry friend will to. So try some today!

http://www.healthygulp.com/

Healthy Gulp

News & More

Purr-chase

How We Compare

Benefits

Home Our Story



### Our Story

# The Healthy Gulp Story:

would like and wanted to do a taste test with her. My husband and I said "No, we In the Summer of 2005, we were having a family discussion about what flavor of Propel™ was our favorite. My kids wanted to see what flavor of Propel ™ Willow can't do that. We can't give Willow Propel ™. Dogs can only drink water, water from the spigot." After a constant barrage of "why nots", we said "Because we just can't" and ended the conversation.

thought "Why not?" Why shouldn't pets have bottled water, they deserve to have bottled water for the same reason we do. They deserve to have flavored water with vitamins and minerals, instead of the same old plain water every day of That night when I went to bed, I started to think about our discussion and their lives.

and Regulations regarding pet foods and supplements and the labeling of same. I Most of the next year was spent researching pet nutrition, FDA and AAFCO Rules smell. Finding an ingredient that would freshen breath, and is odorless, tasteless, Unlike other products that freshen breath by simply covering it up, SCD kills the also researched how cats and dogs taste and smell and what they can taste and and colorless was a challenge. I finally found Stabilized Chlorine Dioxide (SCD). germs that cause the bad breath and tooth decay!

Along the way I discovered how tap water can actually be harmful for our pets. products, fluoride, other additives or contanminants that are used to make the water safe for us to drink. Yet, at certain levels can cause kidney problems, Tap water can contain dangerous levels of chlorine, lead, disinfection bycancer, brittle bones, and more in our pets.

Healthy Gulp's taste testers. Armed with the knowledge from my research on pet Willow, my sister's "zoo", and all of our friends and neighbors pets became nutrition and based upon the taste tests, I was ready to get serious.

figured out how to bottle it so that it would taste great, be safe, and not grow anything funky! She is incredibly patient and a fellow Penn Stater-how could I go Three individuals Cydney Whitmoyer of Parkside Beverages, Monica Cevallos, of become a reality. Cydney, is the beverage formulator who took my ideas and Sniff Design, and Rob Hobson of US Beverage, then helped make my vision wrong. Not only a true professional, but a great person. Thanks Cydney!

industry. She is truly artistically gifted. She designed Healthy Gulp's logo and this Monica Cevallos, of Sniff Design is a graphic designer who specializes in the pet

# Purr-chase Healthy Gulp!



Check out our official taste - "Two paws tester, Willow

Our very own "Willow" loves Healthy Gulp and we are certain your furry friend will to. So try some today!

# Healthy Gulp short cuts

- Why we're the best!
   Contact Us
  - News & More

Rob Hobson of US Beverage is the only bottler that I contacted that returned my phone calls. That told me all I needed to know. Rob took the time to explain the complex bottling process, and assisted me with other important things, like choosing a bottle, a lid, and developing a label. He took the time to deal with the no-name, new "little-guy" Thanks Rob!

When I started this endeavor in July of 2005, there were a couple of similar products on the market. In the year and a half that it has taken to develop Healthy Gulp, several more have come out. We think that Healthy Gulp is the best bottled water for your pet. Please take the time to check out our comparison page and decide for yourself!

Pet Wishes,

lve breenell

Back to top

Copyright © 2007 Healthy Gulp, LLC. All Rights Reserved. Site Design by: Sniff Design Studio



# Because we deserve bottled water too

# Purr-chase Healthy Gulp!



Our very own "Willow" loves Healthy Gulp and we are certain your furry friend will to. So try some today!

# Healthy Gulp short cuts

- Our Story
  - Benefits
- Why we're the best!
- Contact Us
   News & More

# Benefits

News & More

Purr-chase

How We Compare

Benefits

Home Our Story

- Healthy alternative to tap water-no harmful chemicals.
- Kills harmful bacteria in your pet's mouth that can cause tooth decay and lead to other more serious health problems.
  - Taurine, glucosamine, fiber and lots of vitamins and minerals added for your pet's health benefits.
- Your pet will love it!

# **Detailed Nutritional Information**

purpose. In parenthesis next to each ingredient is the ingredient's technical term as it appears on the Healthy Gulp ingredient list, if applicable: This page is dedicated to defining each ingredient in Healthy Gulp and it's

# **ALL NATURAL FLAVORING**

can help address obesity, the management Soluble Fiber - Studies suggest that fiber of diabetes mellitus (in dogs), improve colon health, and aid in the elimination of nairballs for cats.

to aid in the digestion of hairballs and add Glycerin - natural vegetable based. Used texture.

Sodium Benzoate - Preservative.

Calcium (Calcium Gluconate) - Bone and teeth development.

Vitamin E (Vitamin E Acetate)

Antioxidant.

Hydrochloride) - For healthy joints. Glucosamine (Glucosamine

2% Stabilized Chloride Dioxide (SCD) Gulp uses a pharmaceutical blend of SDC that is safe for inclusion in food products bacteria, disinfectant properties. Healthy and has been approved for such by the - An antimicrobial, kills odor causing

Magnesium (Magnesium Gluconate) Enzymatic reactions. Vitamin A (Vitamin A Palmitate) - Vision, growth and immune system function and reproduction.

Vitamin B1 (Thiamine Monontrate) Essential in metabolism processes. Vitamin D (Cholecaciferol) - Regulation of calcium,

Vitamin B5 (Calcium Pantothenate) Essential for metabolic processes.

Vitamin B6 (Pyridoxine Hydrochloride) -Inositol - A vitamin in the B-family necessary for energy metabolism.

Essential in metabolism processes

Biotin - A vitamin in the B-family necessary for energy metabolism,

Essential in metabolism processes. Vitamin B12 (Cyanocobalamine)

Sodium Acid Sulfate - Lowers PH to

more serious health problems for your pet. Food and Drug Administration. Bacteria in your pet's mouth can lead to tooth decay, which if left untreated can develop into

**Potassium Citrate** - A buffer added to control the PH. prevent bacteria growth.

Potassium Sorbate - Preservative.

Monopotassium Phosphate PH buffer. Taurine - For heart and eye health.

# As a pet parent you should feel good about giving your pet Healthy Gulp. 1

Unlike most of the other bottled water products for pets, Healthy Gulp does not add sugar to make it more palatable to your pet; or artificial coloring to make it more visually appealing to you, the consumer.

Check other products ingredient panels. If you see dextrose, fructose, maltodextrin or sucralose, sugar has been added to the water to make your pet drink more. Sugar is not good for your pet!!!

the market contain sodium, yet the amounts are not detailed on the labels. Excess sodium is not good for your pet either. Many of the pet waters on With Healthy Gulp you know exactly what you are giving your pet, it is clearly detailed on the label using "people" standards.

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Secause we deserve borrled

# Purr-chase Healthy Gulp!



Our very own "Willow" loves Healthy Gulp and we are certain your furry friend will to. So try some today!

## Healthy Gulp short cuts

News & More

Why we're the best!Contact Us Our Story Benefits

### News & More Purr-chase How We Compare Home Our Story Benefits



### **Product Comparison**

what they need". FD&C Food Coloring is not natural and dogs do not need sugar. depending on the flavor) sold in 16.9 oz bottles in three flavors: cherry, orange, Doggie Springs - Marketed as a "Vitamin Dog Water" Doggie Springs contains Fructose (sugar) and an artificial dye (FD&C Red #40, Blue #1 or Yellow #6 and passion fruit. Their website advertises "all natural ingredients" and "only Sugar can be harmful to your dog.

Cool Dog - Marketed as a "Canine Thirst Quencher" with electrolytes. Cool Dog diabetes. Contains 100 calories a bottle and if used as directed will significantly contains Dextrose, Fructose, and Sucralose-three different types of sugar and DOES NOT provide a warning that the product may not suitable for dog's with increase your dogs caloric intake. Dog Gone It Water - Marketed as a "thirst quencher for dogs with electrolytes" contains Dextrose. The label provides conflicting information. The recommended "recommended to help your dog maintain healthy muscles". Dog Gone It Water daily allowance indicates "I bottle per day". It then says "....is all natural and your dogs can drink as much as they like!" But it DOES NOT provide a warning that the product may not be suitable for diabetic dogs.

Cool Dog, Dog Gone It Water, and Doggie Springs all had floating sediment.

panel similar to Healthy Gulp, but without SCD, fiber, and glucosamine. Of all the bottled water products that I have reviewed and purchased this was the only one K-9 Water Co Bottled Waters to her friends!! And they actively support an animal that I was comfortable letting Willow try. Willow liked it and would recommend K-9 Water Co. - Comes in 4 flavors, sold in 16.9 oz bottles. Has a nutritional rescue, so they get my vote too.

### Back to top

overseas orders to fill mine. However, on online inquiry regarding the ingredients order to examine it. I placed an order from the website and never received it. illicited the following response: "Our philosophy is that the earth is becoming depleted of its living richness. Therefore, a pharmaceutically defined trace of Pet Refresh (Springmill Products) - I was unable to purchase PetRefresh in After an inquiry I was advised that the company was too busy filling their vitamins and minerals are added to Pet Refresh." -Bill Fels MollisChoice - marketed as a "purified water enhanced with nutrients specially formulated for the health of your pet." Molli's Choice was not available for online purchase, however, the website and a response to an email generated enough information for examination. MollisChoice appears to be a nutritional sound product for pets and they actively support animal causes. :)

Waggin Water - Water concentrate, sold in quart size bottles that will make 1 gallon. Like Pet Refresh, Waggin Water is marketed as "earth energized" and it too has "not for human consumption" on the label. Marketed as "100% filtered, PH balanced pet water energized with earth energy". The label indicates that it is the "only earth-energized water available for pets." The maker of this product, Agricultural Systems Intl. is a company that produces Agri-Chix Poultry Juice. The label on these bottles had been taped to the bottle; and although the lid was screwed on, there was no safety seal on either bottle, just a piece of scotch tape around the lid

K-9 Quencher Sports Drink for Dogs - is marketed as a powder based additive that supplies electrolytes and carbohydrates, you supply the water source. The primary ingredients in this powder additive are dextrose-sugar and sodium-salt, also known as electrolytes. It also contains artificial flavoring.

**K-9 Go Dog Total Sports Drink for Dogs** - a powder also marketed as a sports performance drink additive for dogs. Contains sugar and salt and many ingredients that are not approved by AAFCO for use in animal feeds.

Happy Tail Ale - Marketed as a healthy treat for dogs, a non alcoholic beer for dogs. It is sold in 6-packs. It does contain healthy ingredients like glucosamine and Vitamin E but also contains malt extract which is essentially sugar. The label does not provide a warning that the product may not be suitable for diabetic dogs, nor does it contain information about the sodium content

**Doggie Lager** - Marketed as a non-alcoholic beer for dogs, comes in three flavors (chicken, beef, and vegetable) sold in single 12 oz. bottles. Contains maltodextrin, a form of sugar. Like Happy Tail Ale, it contains some healthy ingredients, but it does not provide a warning that the product may not be suitable for diabetic dogs. It also does not contain information about the sodium content.

## A word about sugar and electrolytes

Diabetes in cats and dogs can be caused by feeding your pet excessive amounts of simple carbohydrates (also known as SUGAR). Excess sugar

can cause dental problems, obesity and can overload and stress your pet's pancreas and eventually lead to diabetes. Our furry loved ones DO NOT NEED SUGAR, IT IS NOT GOOD FOR THEM.

Electrolytes are minerals that regulate bodily functions that are lost through bodily secretions, most commonly sodium, potassium, and calcium. The majority of our pets do not need electrolyte supplementation or a sports drink. Unless your pet is the equivalent of a super human athlete, they do not need electrolyte supplementation. In fact doing so, without first consulting with your pets vet, can lead to electrolyte imbalance.

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### Because we deserve

### Purr-chase Healthy Gulp!



Our very own "Willow" loves Healthy

Gulp and we are certain your furry friend will to. So try some today!

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- Why we're the best!
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Purr-chase News & More

# Purr-chase Healthy Gulp

How to make a PURR-chase or contact us



Peanut Butter for Dogs

Tuna for Cats

Plain for Cats or Dogs

Healthy Gulp short cuts Why we're the best!Contact UsNews & More Our Story Benefits

On this website Healthy Gulp is only sold in 8 packs of 20 oz. bottles. You can mix and match all three flavors by typing the number, Price is 10.49 per 8 pack (any combination of flavors) selecting the flavor and clicking add to cart.

Shipping and Handling is \$8.95 for a total of \$19.44

For multiple 8pks to same address call or email for reduced shipping



0 Plain(s)

0 Tuna(s)

0 Peanut Butter(s)

0 Items in 0 packs are in your basket = \$0.00

\*Click on pictures to enlarge

# You can also do one of the following to make a PURR-chase:

1. Fill out the form below online and email, fax, or mail it using the appropriate information below.

#### Click here to download

- 2. Visit us on ebay at http://search.ebay.com/\_W0QQsassZsueb1661
- 3. Or if you want to speak to a real live human you can call us or email us at orders@healthygulp.com and let us know you would like someone to contact you personally and let us know the best time to call you.

All Healthy Gulp purchases come with a Money Back Guarantee. If you or your furry companion are not completely satisfied, send the unused portion of Healthy Gulp and the reason for dissatisfaction to the address below, and we will refund your purchase price.

### To contact us you can:

- 1. Call us toll free 1-877-PET-#1H20 (1-877-738-1420)
- 2. Email us a info@healthygulp.com
- 3. Write to us at Healthy Gulp, 1936 Bruce B. Downs Blvd. #308, Wesley Chapel, Florida, 33543
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## Purr-chase Healthy Gulp

How to make a PURR-chase or contact us



Because we deserve borried water too!

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Plain for Cats or Dogs

• Our Story
• Benefits
• Why we're the best!
• Contact Us
• News & More

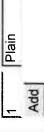
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For multiple 8pks to same address call or email for reduced shipping



Please select one

0 Plain(s) 0 Tuna(s)

0 Peanut Butter(s)

0 Items in 0 packs are in your basket = \$0.00

Buy

\*Click on pictures to enlarge



# You can also do one of the following to make a PURR-chase:

1. Fill out the form below online and email, fax, or mail it using the appropriate information below.

#### Click here to download

2. Visit us on ebay at http://search.ebay.com/\_W0QQsassZsueb1661

3. Or if you want to speak to a real live human you can call us or email us at orders@healthygulp.com and let us know you would like someone to contact you personally and let us know the best time to call you.

All Healthy Gulp purchases come with a Money Back Guarantee. If you or your furry companion are not completely satisfied, send the unused portion of Healthy Gulp and the reason for dissatisfaction to the address below, and we will refund your purchase price.

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Our Story

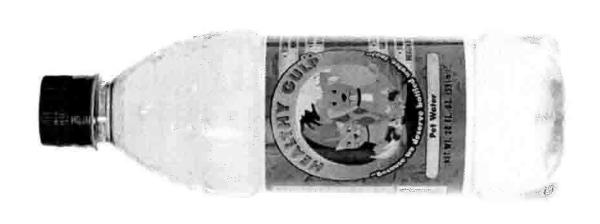
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W Purr-chase Healthy Gulp

Plain flavor for Cats and Dogs



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Purr-chase Healthy Gulp

Tuna flavor for Cats



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### Because we deserve bourled water roo

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V Purr-chase Healthy Gulp

Peanut Butter flavor for Dogs





Back to purr-chase page

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"Because we deserve bottled water too!"

#### **ORDER FORM**

#### **PRODUCT INFO:**

Healthy Gulp is sold in 20oz bottles with 8 per pack. Price is 12.49 per 8 pack (any combination of flavors). Shipping and Handling is \$8.50 to anywhere in US for a total of \$20.49. For multiple 8pks to same address call or email for reduced shipping rates.

reduced shipping rates.			
Choose Your Flavor			
Peanut Butter for Dogs	Tuna For Cats	Plain for Dog/Cats	
How Many	How Many	How Many	= 8 Total
Each order comes with a free spo	rts cap for cats or dogs on	the go!	
All Healthy Gulp purchases come wit unused portion of Healthy Gulp and	h a Money Back Guarantee. If the reason for dissatisfaction	you or your furry companion are not compl to the address below, and we will refund you	etely satisfied, send the ur purchase price.
CREDIT CARD INFO:			
Name:	Credit Card #:		
Expiration Date:		Security Code (on back of card) _	
Billing Address			
		Visa: Mastercard:	
I authorize my credit card to be	charged for this and agree	e to pay the purchase price and shippi	ng and handling charges.
Note: Your privacy is important to us. Hee	althy Gulp will not sell or provide	your information to any other company or indivi	idual for marketing purposes.
SHIPPING INFO: (If differen	t from billing address)		
Name:		Ms Miss Mr	Mrs. — N/A
Address:			
City/State/Zip:			******
Day Phone:	E-Mail:	Fax (if applicable): _	
TO FAX BACK THE COMPLETED 1-877-738-1420	FORM: TO MAIL BA	CK THE COMPLETED FORM: o, 1936 Bruce B. Downs Blvd. #308,	QUESTIONS? Call 1-877-PET-#1H20

7-Eleven, Inc. v. Bucenell Opposition No. 91177807 (1-877-738-1420)

Wesley Chapel, Florida, 33543



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News & More

# Healthy Gulp News, Ruff-views, and Purr-fect Links

#### NEWS:

namely St. Francis Animal Rescue of Tampa Bay, http://www.luvamutt.org Healthy Gulp is proud to donate a portion of it's profits to pet charities,



Back to top

#### Ruff-views:



"Angus just loves
Healthy Gulp! Thanks
for the samples,
where can we get
more?" Kim Special-GA





Your pet's View

View

picture here! Your pet's View

picture here!

We'd love to add your dog/cat too. Submit your pet's picture and caption to us

6/4/2009



### Because we deserve borried water 100

### Purr-chase Healthy Gulp!



Check out our official taste tester, - "Two paws up!" Willow

Our very own "Willow" loves Healthy Gulp and we are certain your furry friend will to. So try some today!

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Your pet's picture here!

at: ruffviews@healthygulp.com

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Purr-fect Links;

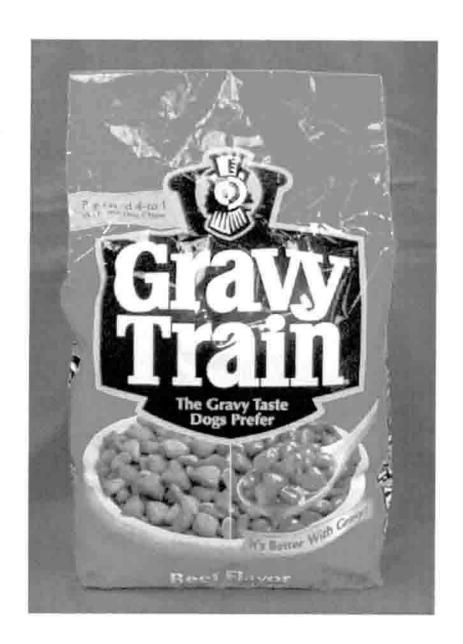
St. Francis Animal Rescue of Tampa Bay http://www.luvamutt.org

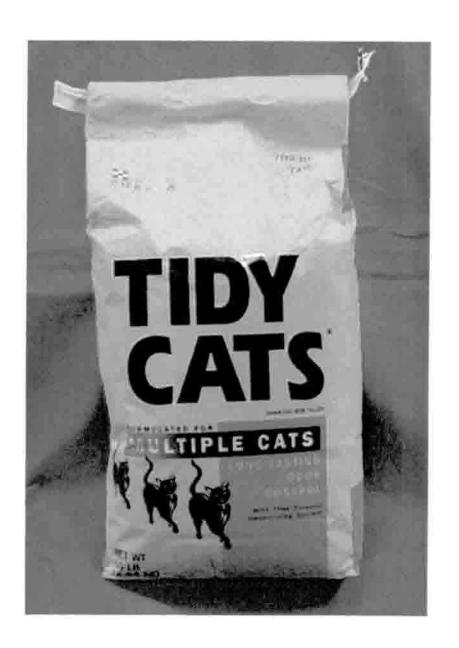
United Animal Nations-Emergency Animal Rescue Service (EARS) http://www.uan.org

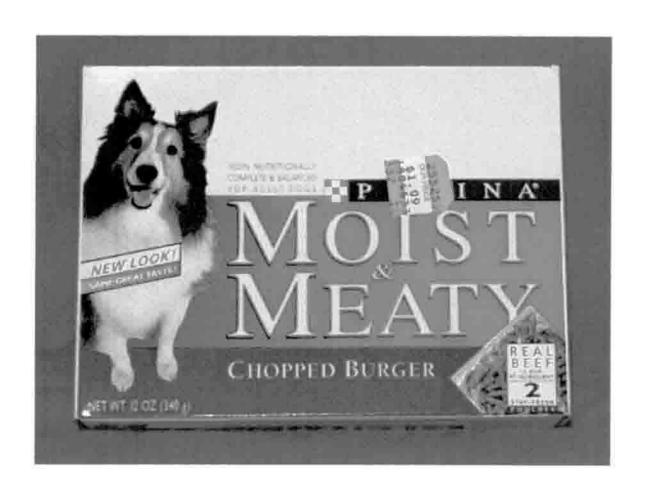
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#### Exhibit 21

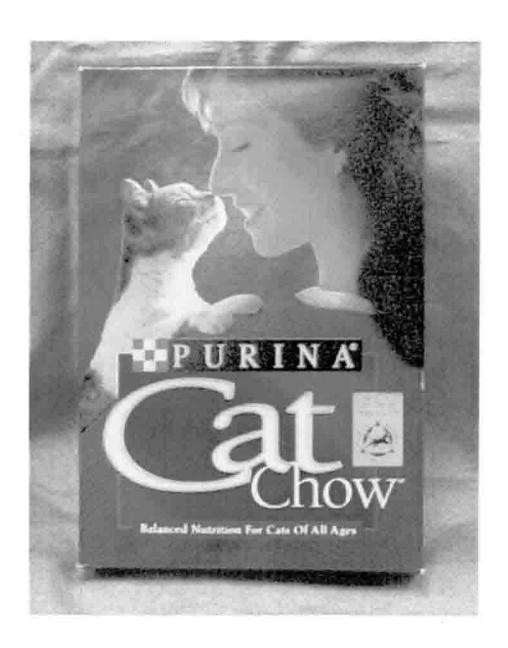


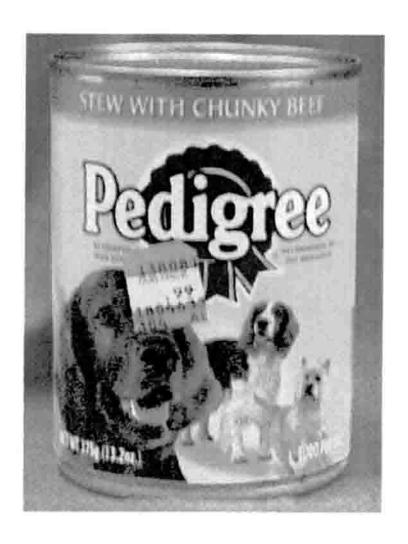














#### ... 7-ELEVEN

2600 S HARLEM AVE RIVERSIDE IL 605461737 7084435748

r STORE#: 32655

THANKS FOR SHOPPING 7-ELEVEN PLEASE COME AGAIN

GRAVY TRAIN	3.198
TidyCat3CatLittr101b	3.25T
Groc Tax F	1.098
Groc Tax F	2.398
Pur CatChowOrig 18z	1.59T
Groc Tax F	0.59B
Ped Chky BfStv13.2z	0.99T
Wskas Mealtime 5.52	0.49T
	TidyCat3CatLittr101b Groc Tax F Groc Tax F Pur CatChowOrig 18z Groc Tax F Ped Chky BfStw13.2z

 SUBTOTAL
 13.58

 SALES TAX ON 13.58
 1.05

 TOTAL DUE
 14.63

 MASTERCA
 14.63

OLSEN/JEAN M

ACCT#: \*\*\*\*\*\*\*\*\*\*2238

EXP DATE: 04/04

APPROVAL#: 005561 AUTH CODE: 0

APPROVAL TIME: 130601

STORE#: 32655

TERM# :00073265501 08

REF#: 95008 28 027 6

APPROVED

5688C.

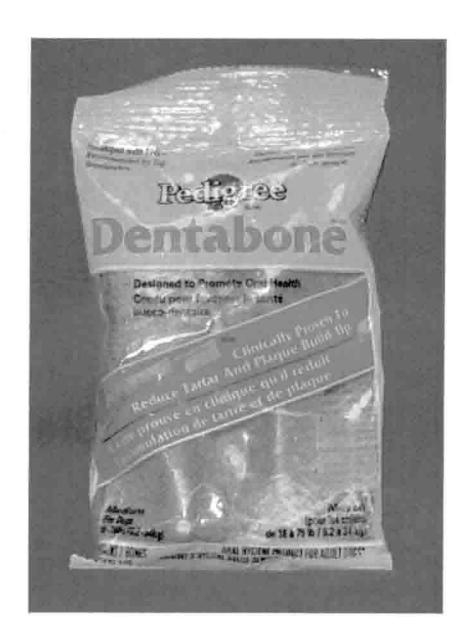
CUSTOMER AGREES TO PAY THE ABOVE
TOTAL AMOUNT ACCORDING TO THE CARD
HOLDERS AGREEMENT

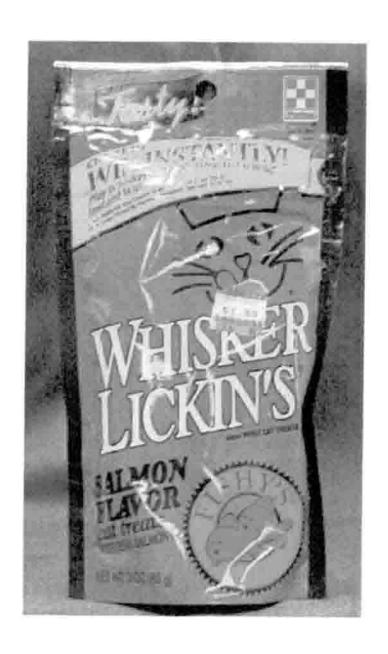
CUSTOMER SERVICE HOTLINE, 1-800-255-0711

HOW CAN WE SERVE YOU BETTER?

T#C1 0031 TBN0066 01/12/02 01:06 pm

#### Exhibit 22





#### Z-ELEVEN

6603 WEST 161H ST. BERWYN IL 604021319 7087493202 STORE#: 27599 THANKS FOR SHOPPING 7 ELEVEN

MKS FOR SHOPPING / ELEV PLEASE COME AGAIF

i _3100307053 i +7600540018	2.99T 1.89T
SUBTO: * . SALES TAX ON 4.88 TOTAL DUE	4.88 0.43 5.31
MASTERCA OLSEN/JEAN M ACCT#: ***********2238	5.31
EXP DATE: 04/04 APPROVAL#: 025840 APPROVAL TIME: 142812 STORE#: 27599	AUTH CODE: 3
TERM# :00072759901 08	Sbssb.
REF# : 95008 95 007 9 APPROVED	347

CUSTOMER AGREES TO PAY THE ABOVE TOTAL AMOUNT ACCORDING TO THE CARD HOLDERS AGREEMENT

CUSTOMER SERVICE HOTLINE, 1-800-255-0711
HOW CAN WE SERVE YOU BETTER?
T#01 OPOS TBN3920 01/12/04 00 20

#### Exhibit 23





#### Exhibit 24





















## PETCO 2204 SOUTH HARLEM AVE. NORTH RIVERSIDE IL 60546 708-442-4550

3/10/02 11:19AM 648 02 2 01974 Sales Associate: 2 Christa

000710105 000710130 000909980 000785008	DESCRIPTION 20z COCA-COLA CLAS WRIGLEYS 15PC X S/ MENTOS MINT 1.30z REESES CUP 1.6z PETCO-AMERICANA SC XPR-15Z YELLOW LAB	PRICE 1.19 T 0.99 T 0.99 T 0.79 T 3.99 T 6.99 T
--	---	---

Sub Total 14.94
Tax 7.7500% 1.16
Final Total \$16.10
MasterCard Credit Card 16.10
Acct# XXXXXXXXXXXXX2238 Auth# 025045

PETCO P.A.L.S Number:302416818 Member:Jean Olsen

Thank you for shopping at PETCO!

them you to supplied at PEICO:

Check your Free Food Status at www.petco.com or call 1-888-824-PALS



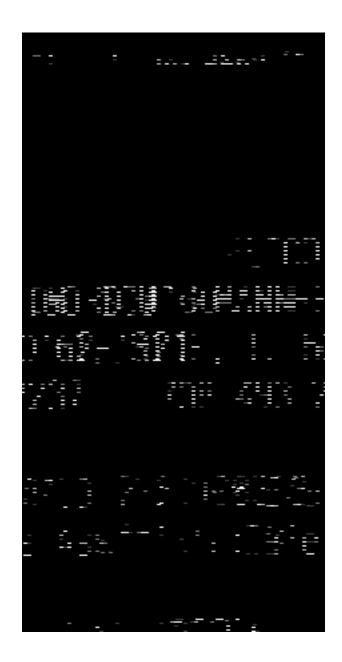
































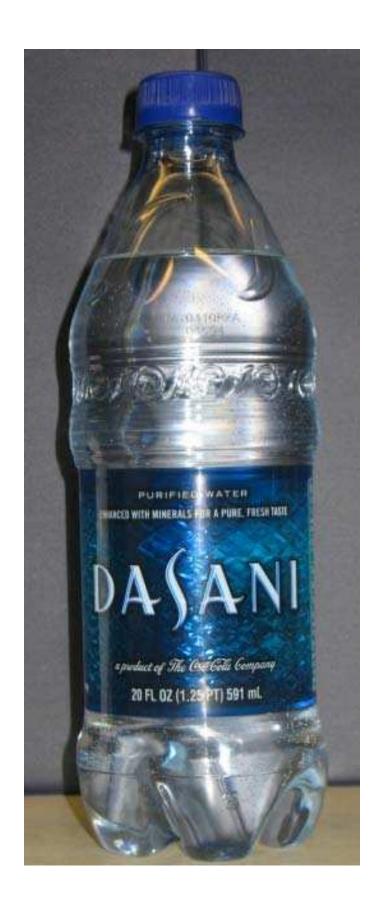














### CVS/pharmacy

for all the ways you care

8911 OGDEN AVENUE, BROOKFIELD, II PHARMACY: 485-5130 STORE: 485-512.

REG#03 TRAN#7268 CSHR#693265 STERF. .

### ExtraCare Card #: \*\*\*\*\*\*\*9249

1	AQFNA WATER	207	
1	DASANI WATER		1.39E
1	GE WATER	202	1.398
1	TOE MAIER	242	1.19B
1	ICE MOUNTAIN	23.7	
			1.39B

#### 4 ITEMS

LI13	
SUBTOTAL IL 2.25% TAX	5.36
TOTAL	. 12
CASH	5.48
CHANGE	5,48
OUNINGE	. 00



5521 3915 6726 8037 RETURNS WITH RECEIPT THRU 08/04/206\*\*

JUNE 5, 2009

7:08 AM

EARN 2% BACK ON ALMOST EVERYTHING IN THE STORE AND ON CVS.COM!

SHOP 24 HOURS A DAY AT CVS.COM THANK YOU FOR SHOPPING WITH US







# NPR All Things Considered

July 13, 2001

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7-Eleven, Inc. v. Bucenell Opposition No. 91177807 NOAH ADAMS, host:

From NPR News, it's ALL THINGS CONSIDERED. I'm Noah Adams.

LINDA WERTHEIMER, host:

And I'm Linda Wertheimer.

After years of preparation and anticipation, Beijing has won the right to host the 2008 Olympic Games. The International Olympic Committee voted today in Moscow, and by the second round, Beijing had secured a majority, beating out Paris, Toronto, Istanbul and Osaka. NPR's Rob Gifford reports from Beijing on the ecstatic celebrations that greeted the announcement.

Unidentified Announcer: The Games for the 29 Olympiad in 2008...

Unidentified Man #1: (Foreign language spoken)

Unidentified Announcer: ... are awarded to the city of Beijing.

(Soundbite of celebrations)

ROB GIFFORD reporting:

It was the moment that Beijing had waited for for a long, long time. In one of the city's big parks, a huge TV screen had been erected. And as IOC President Juan Antonio Samaranch announced the name of China's ancient capital, the crowd went wild.

(Soundbite of celebrations)

GIFFORD: Bitterly disappointed to lose the 2000 Olympics to Sydney by just two votes, many in the crowd had expressed nervousness, not wanting to be overconfident in case the same happened again. But when the decision came, the relief was palpable, and the enthusiasm overwhelming.

Unidentified Woman: Why, we're very happy indeed. It's so exciting. I'm very happy to have this kind of opportunity, to have Olympic Games held in Beijing 2008 Olympics. At that time, eight years after from today, I think Beijing will be turning more beautiful and more excellent.

Unidentified Man #2: As a Chinese citizen, I feel so proud that, you know, finally, China has, you know, proved to the world that we can do something right. In the future, China, number one. China, number one.

GIFFORD: China watchers were divided before the vote, with some saying China should not get the nod because of its human rights record. Others argued exactly the opposite, saying only by increased engagement with the rest of the world would things change for the better. Finally, it seems, Beijing's slick promotional bid was able to overcome its critics. Joseph Chang(ph) at Hong Kong's City University says it's a major step for China, but not an instant panacea to the country's problems.

Mr. JOSEPH CHANG (City University): There is an eagerness to seek respect and to show the world that China is no longer being sanctioned, that China is now accepted as a respectable member of the international community. This is a good thing for the people of China, but one should not attach too much significance just to the holding of the Olympic Games in Beijing in the year 2008.

GIFFORD: Beijingers weren't listening too much to comments like that tonight. The streets were gridlocked way into the small hours with flag-waving, horn-honking citizens as the police stood by and, for once, let the people take to the streets with their own spontaneous celebration. In the morning, the city will wake up to the

nitty-gritty of the task ahead, preparing itself for both the glories and the headaches of hosting the world's biggest sporting event. Rob Gifford, NPR News, Beijing.

#### NOAH ADAMS, host:

Now to a more immediate task ahead for China's president, Jiang Zemin. On Sunday, he travels to Moscow for the second of three meetings this summer with Russia's president, Vladimir Putin. Their frequent summits are evidence of their country's increasingly friendly ties. Both sides say they're not forging an anti-American alliance, but some Russians believe such an alliance could emerge, especially if the US pursues strategic policies opposed by both Beijing and Moscow. NPR's Mike Shuster reports now from Moscow.

#### MIKE SHUSTER reporting:

The Russians and the Chinese call their relationship a strategic partnership. They have been nurturing it for five years. But the mutual embrace has intensified in the last year under the tutelage of President Putin. Right now, the specifics of the relationship are murky, says Yuri Feroderov(ph), an analyst with the Russian Political Research Center.

Mr. YURI FERODEROV (Russian Political Research Center): The exact meaning of strategic partnership is not known. It means some special relations based on some common strategic interest of both countries related to so-called American domination in the world and with respect to some particular issues like national missile defense ...(unintelligible) United States.

SHUSTER: There is a wide range of views in Russia about China, but nearly everyone agrees that concern about the United States is driving the relationship, despite their huge common border and border conflicts in the 1960s and '70s. It is the Bush administration's plan to develop a national missile defense system that is the key to the current relationship between Beijing and Moscow. Mikhail Titorenko(ph), director of the Far East Institute of the Russian Academy of Sciences, say both nations still want good relations with the United States, but, he adds, that depends entirely on Washington.

Mr. MIKHAIL TITORENKO (Far East Institute, Russian Academy of Sciences): (Through Translator) If the American side continues to push its idea of national missile defense, which will destroy the whole current treaty system regulating security and arms control, then there is nothing else for Russia and China to do but to look for a common response, because neither Russia nor China possesses the economic power that the United States does. And neither is in a position to confront the US pressure on its own.

SHUSTER: So the actions of the Bush administration this week are certain to be high on the list of agenda items for the two leaders. Yesterday, the administration disclosed its plans to begin construction of a new missile base in Alaska, saying that within months, this could violate the antiballistic missile treaty, a sacred security cow for Moscow and Beijing. Tomorrow, the Pentagon is planning another test over the Pacific of its current antiballistic missile technology. Sergei Markov, the director of the Institute of Political Studies, believes Putin and Jiang will see this as a provocation, coming immediately before their summit.

Mr. SERGEI MARKOV (Institute of Political Studies): It will put Russia and China together. It will allow them to build cooperation for maybe in future building some kind of same alliance. In these conditions, I think military cooperation between Russia and China will increase.

SHUSTER: Military cooperation between the two is already substantial. In recent years, Russia has sold billions of dollars' worth of advanced equipment to China, including submarines, jet fighters, cruise missiles and naval destroyers. Without China's orders, Russia's advanced military industrial base would collapse. Sergei Markov, who often reflects thinking in the Kremlin, says there is still room for closer military cooperation with more sophisticated Russian military technology sold to China. Some analysts, like Yuri Feroderov, are alarmed at this.

Mr. FERODEROV: Any growth of China's military potential, especially China's nuclear potential to attack Russian cities in Siberia or even Moscow, represents a threat to Russia's security because nobody knows whether relations with China be so smooth and peaceful as it is now.

SHUSTER. And if such a conflict would break out, China would be the stronger power. But the prevailing view here is that's not the worry now. China's economic and military cooperation is crucial to help the Russian economy grow, and economic growth is the key to the future, says Sergei Markov.

Mr. MARKOV: If Russia will continue to decline, what's the reason to pay attention the rising China?

SHUSTER: If there are nuances here on China, the view of the United States seems almost monolithic. The Russians want what they call a multipolar world with several power centers. Analysts, like Mikhail Titorenko, are convinced the US wants it all: world domination--economic, political and military.

Mr. TITORENKO: (Through Translator) America's policy is based on a self-satisfied feeling of its own omnipotence. But history shows that such a period can't last long. Understand this: In the modern world, for one nation, however strong it is, to command the whole world-well, nobody likes this.

SHUSTER: Neither Vladimir Putin nor Jiang Zemin will be as blunt when they speak publicly during their summit, but Russian analysts believe that's exactly what both will be thinking. Mike Shuster, NPR News, Moscow.

#### LINDA WERTHEIMER, host:

France's highest appeals court has upheld a controversial decision about abortion and the handicapped. Last year, a French court agreed that a mentally retarded child was entitled to damages because his mother might have aborted the pregnancy if she had known the extent of this handicap. That decision was widely reported as establishing a child's right not to be born. Medical ethicists and others attacked the decision as creating a legal atmosphere that might justify permitting only perfect children to be born. Now the Court de Cassaision(ph), the higher court, has agreed with the lower court decision, noting that if a doctor has failed to inform parents of possible mental or physical problems, compensation can be awarded. Hugh Schofield is a journalist living in Paris who covered this story for the BBC.

Hugh Schofield, this sounds as is if it might have begun as families trying to find some way to get financial help to raise children with difficult problems.

Mr. HUGH SCHOFIELD (Journalist): I think that's absolutely true, and certainly, the opponents of this ruling see at as a cynical attempt by the families to get compensation. And it not the families being compensated for a mistake on the part of the medical profession. It is technically, in these cases, it is the child who's been born brain-damaged or with physical disabilities receiving damages from the courts in compensation for his or her having been born in the first place.

WERTHEIMER: Who pays?

Mr. SCHOFIELD: Well, the only case in which money has passed hands was in the previous case, which it was the doctors who were made to pay damages. And, of course, that is why doctors and the medical establishment is so up in arms against this decision, because they say that it is going to encourage doctors to advise abortions at the slightest hint of the smallest deformity or malformation or handicap, or call it what you will, in the child, even though in many cases, the parents might well have been quite happy to have a child with a minor deformity. Doctors are afraid that if they don't advise abortion, then they may later be sued for malpractice.

WERTHEIMER: Do you think this adversely affects people who make a decision to have a baby knowing that there may be problems?

Mr. SCHOFIELD: Well, I mean, the whole climate that the problem is--the problem that's so clearly evoked by opponents of this, particularly people who--defending the rights of handicapped children, the problem they say is precisely that. This atmosphere, which will, they fear, take hold in society, that having a handicapped child of any kind is somehow wrong or strange because it could have been avoided.

WERTHEIMER: What has been the reaction in France? And if there is a popular feeling that this decision ought to be somehow turned around, is there a way to do it?

Mr. SCHOFIELD: Well, there is a broad coalition of deep antipathy to this ruling from doctors, who I've mentioned, from many jurists and from the people who defend handicap rights. The ethical debate is truly engaged over this issue. As for changing it, well, I mean, at the moment, all this is is an interpretation of the constitution, of what constitutes prejudices in French, a damage, one which is indemnifiable by some kind of financial return. Now what the opponents are going to try to do, I think, is try to use the way of parliament, the National Assembly, to pass some kind of legislation which would say that, no, this cannot be the case, and that the right to life must not be treated in this kind of a mercantile way.

WERTHEIMER: Hugh Schofield, thank you very much.

Mr. SCHOFIELD: Thank you.

WERTHEIMER: Hugh Schofield is a journalist working in Paris. We reached him there.

(Soundbite of music)

NOAH ADAMS (Host): Campaign finance advocates seeking a new way to get their bill to a vote, just ahead on ALL THINGS CONSIDERED.

NOAH ADAMS, host:

From NPR News, it's ALL THINGS CONSIDERED. I'm Noah Adams.

LINDA WERTHEIMER, host:

And I'm Linda Wertheimer.

Advocates of campaign finance reform are planning a new strategy one day after efforts to overhaul the law collapsed in the House of Representatives. Supporters want the finance reform bill brought back for a full debate. That's not something the House leadership in interested in doing, as NPR's Peter Overby reports.

PETER OVERBY reporting:

The Senate had already passed the similar McCain-Feingold bill, but yesterday, in the House, Connecticut Republican Chris Shays and Massachusetts Democrat Marty Meehan fought to pull their bill off the floor after House Republican leaders tried to stack the debate against them. Last night, the House rejected the leadership rules for the debate. Shays and 18 other Republicans joined all but one of the Democrats in voting no. But that's no victory for Shays-Meehan. House Speaker Dennis Hastert is under no obligation to bring their bill back. Today, Democratic leader Dick Gephardt started a drumbeat to force a full floor debate on the bill itself.

Representative RICHARD GEPHARDT (Democrat): I hope that we can get this bill done in the next week, and if not next week, the week after that. Yesterday, I think, leaves the public in the lurch if we just forget about it now and wait three months to even start talking about it.

OVERBY: At Common Cause, the advocacy group at the center of the Shays-Meehan coalition, President Scott Harshbarger said they'll be getting ready to gear up the grassroots for more phone calls and e-mails to Capitol Hill.

Mr. SCOTT HARSHBARGER (Common Cause): Right now, we'll go back to the basics. We'll go back to rebuilding that grassroots support, remind them how important their effort was, remind people all throughout this country that it was only because of their calls and their focus on this issue that we managed to beat down this effort to stall reform completely.

OVERBY: But there will be pressure from other sides as well. The American Civil Liberties Union is in a coalition that says Shays-Meehan unconstitutionally restricts political speech. The ACLU's Washington director is Laura Murphy.

Ms. LAURA MURPHY (American Civil Liberties Union): I think we want to go back to all of the members of Congress and say, 'Remember, there are constitutional issues involved. This is not just about what's good for you as an individual trying to get re-elected.'

OVERBY: The future of Shays-Meehan may lie with the 18 Republicans who joined Shays in voting for his bill against the leadership. Shays and Meehan might ask them to sign a discharge petition, which would force the bill to the floor. They might ask them to engage in guerrilla warfare, voting to keep other bills from being debated. It may all depend on just how disruptive these moderate Republicans want to be. Peter Overby, NPR News, Washington.

#### NOAH ADAMS, host:

As we just heard, Congressman Christopher Shays is the leading Republican supporter of the campaign finance bill in the House. He says if the bill isn't rescheduled by the House speaker, there are, indeed, other ways he intends to bring it back to the floor.

Representative CHRISTOPHER SHAYS (Republican): If our leadership is reluctant to bring campaign finance forward, then we have to look at the root of doing it through petition and even potentially voting against certain rules governing debate on certain bills, which means that we won't be able to debate certain bills. We can't have a vote on a rule be the vote on campaign finance reform, and we have to make sure that, ultimately, there's a fair vote for all sides.

ADAMS: But how, indeed, disruptive would Republicans be willing to be in a Republican House?

Rep. SHAYS: I think whatever it takes that's honorable and just--whatever it takes, we'll do.

ADAMS: Do you have a concern here that Republicans, or even Democrats who were lined up on your side, were, in fact, in reality voting to stop a reform bill now that they sort of look over the cliff of campaign finance reform?

Rep. SHAYS: Oh, no. Absolutely not. The issue was were we going to have a rule that allowed for us to bring our bill with an amendment to the kind of bill that we wanted to defend, and we came in with our amendment. It was divided into 12 parts, and that was patently ridiculous. We were happy to defend it against as many amendments as possible, but we needed a rule that allowed the debate to be fair, allow us to draft our bill. We can't have other people tell us how to draft our own bill. But bottom line: This issue is far too important. You've seen now money into the campaigns nearly double every four years: \$80 million of soft money in 1992. Eight years later, a \$1/2 billion. Four years from now, \$1 billion. Four more years from that, \$2 billion. I

ADAMS: Well, speaking of some of that big money, what about some of the freshman Republicans? Many of them enjoyed the campaign support of Senator John McCain, but many are not on your side now. They got big

money from the party for their campaigns. Let's say you're a Republican running for the House, and you're up against a rich person who's a Democrat.

Rep. SHAYS: You know, the one area that our bill has, I think, the greatest weakness is that what do you do when you run against a wealthy person. Now the Senate has a provision that said when you run against a wealthy person you're allowed to get three times as much, and if the wealthy person even spends more, you're allowed to get more. We came in with a provision as well, and it was the other amendment that I had put forward. That wasn't even allowed to be considered as part of the debate, to address the very issue you said.

ADAMS: But how did you do with the support of those freshman Republicans yesterday? I lost track in trying to figure it out.

Rep. SHAYS: We had a few of the freshmen supporting the bill if we finally got to vote on it, but not nearly the number we should have had. And at first, I was pretty shocked by it, and then I realized that I shouldn't have been. Usually freshmen are the ones that are the least institutionalized in this Washington scene, but they've been caught very quickly. And it's sad to see, but understandable. And the reason is that now, congressional races, there aren't 435 races. There are usually about 60 that tend to be close. And then all the other members of Congress not in those tough races raise lots of money. The leaders raise lots of money, and it all gets funneled through the leadership to those members. They've been caught up in the big money. All I would say to those freshmen is, 'You needed \$3 million from the leader because your opponent had that from his leader. You take away the corporate money and the induced money, it's going to impact both sides, Democrats and Republicans. You won't need to raise as much. You won't need to spend as much.'

ADAMS: We've seen Senator James Jeffords of Vermont feeling misaligned with his Republican Party, deciding to become an independent. Do you ever get frustrated enough on this issue to think about such a move?

Rep. SHAYS: Oh, no. Absolutely not. And you know, I think any member can get frustrated when their leadership is opposing them. I mean, it breaks my heart to think that a majority of Republicans want corporations to contribute to campaigns and want union dues money to go into campaigns. I mean, I just find that astounding given our laws saying it's illegal. So I'm disappointed by it, but the bottom line is you sometimes don't-husbands and wives don't always agree, and in this case, I don't agree with my leadership in the party, but I agree on so many other issues. And because of that, I'm eager to work and help my party achieve its agenda.

ADAMS: Representative Shays, thank you for your time.

Rep. SHAYS: Thank you very much.

ADAMS: Christopher Shays is a Republican member of the House, representing the 4th District of Connecticut.

(Soundbite of music)

(Announcements)

NOAH ADAMS, host:

From NPR News, it's ALL THINGS CONSIDERED. I'm Noah Adams.

LINDA WERTHEIMER, host:

And I'm Linda Wertheimer.

It's been nine months since Vojislav Kostunica replaced Slobodan Milosevic as the president of Yugoslavia. Kostunica commands an 80 percent approval rating at home, but his relationship with the international community has been strained over the issue of extradicting war crime suspects to The Hague Tribunal. In an interview with

NPR, Kostunica discussed both the recent extradition of Milosevic to The Hague and his vision for the future of his country. NPR's Guy Raz reports from Belgrade.

#### GUY RAZ reporting:

Vojislav Kostunica seems oddly out of place in his vast office in the palace of the federation. For years, the former law professor sat in a cramped space writing scholarly essays. Now he has a full-time chauffeur and entourage. His old Yugo stays parked at home. Kostunica has been charged with the monumental task of building a democratic Yugoslavia from the ground up. Western governments have been anxious to see those changes happen fast. Kostunica admits it's not easy.

President VOJISLAV KOSTUNICA (Yugoslavia): Like most other post-Communist countries, Yugoslavia is far from being a full democracy. It's in period of transition. We had behind us not 10 years of Milosevic authoritarian rule, but more than half a century of communism in our country. So it takes much more time to repair that what has been done by Communist rule.

RAZ: Add to that 10 years of international sanctions and the result is a country where the federal reserve is dry and the average monthly wage hovers at around \$75. The international community has placed immense pressure on the president to extradite Serbian war crime suspects to The Hague Tribunal. But as a self-proclaimed nationalist, Kostunica makes no secret of his contempt for the court.

Pres. KOSTUNICA: As it is well-known, cooperation with The Hague Tribunal is a matter of survival for this country. It is willing to have normal relations with international community, so it's trying to establish a fairly normal, correct relations with The Hague Tribunal.

RAZ: Prosecutors at The Hague have complained that Kostunica's government has actually been obstructive, that it makes the evidence-gathering process more difficult. Kostunica argues that the court is biased against Serbs. This week marks the sixth anniversary of the Srebrenica massacre where, according to Hague prosecutors, at least 7,000 Bosnian Muslims, or Bosniacs, were murdered by Bosnian-Serb forces. It's now regarded as the worst atrocity in Europe since the end of the Second World War. Kostunica says The Hague account isn't entirely accurate.

Pres. KOSTUNICA: Very often before The Hague Tribunal makes his sentence public, there appear different--I will say many truths in media, and that is a problem. The truth is hidden by the way The Hague Tribunal works. The truth is hidden by the way many media treats the facts, the events. And so we need some broader approach.

RAZ: The broader approach he advocates is to hold trials in Yugoslavia and eventually to dismantle the tribunal. It's one reason why Kostunica opposed the extradition of former President Milosevic to The Hague.

Pres. KOSTUNICA: I was in favor of Mr. Milosevic being made responsible by our court. It is very important. That's what most of the people feel in the country. If you go to any of our polls, people mostly care about the responsibility of Milosevic to his own people. And beside that, I look for some sort of legal frame for cooperation with The Hague Tribunal. And the moment Milosevic was extradited to The Hague, there was not that legal from or something that existed that--or just the minimum of legality was not respected.

RAZ: The Milosevic extradition caused a public rift between the president and the Serbian prime minister, Zoran Djindjic, who ordered it without Kostunica's consent. As a result, the federal government coalition collapsed, and Kostunica is now scrambling to find replacements for those officials who resigned to protest the extradition order. Kostunica regards Milosevic less as a war criminal and more as a corrupt leader. Others are far more responsible for war crimes, he says.

Pres. KOSTUNICA: If one takes the idea of the command's responsibility, then these crimes have been committed by many other political and military leaders and not by Mr. Milosevic, by Croats, Bosniac, Albanian

political leaders and so on. And then why not the crimes have been committed maybe by some NATO politic--military leaders during the bombing of this country.

RAZ: And NATO, to Kostunica, has largely meant the United States. For that reason he's been much more active in pursuing a relationship with the Europeans. The United States, he says, is wrong to make financial aid conditional on cooperation with the tribunal.

Pres. KOSTUNICA: That is something that is not in favor of, I would say, development of something that I consider to be very important for this country: friendly, open relations and cooperation between Yugoslavia and United States.

RAZ: But with the Milosevic issue off the table, and more than \$1 billion in international aid on its way, Kostunica says it's time to focus on domestic issues. He wants to find a way to preserve the federation with Montenegro and to keep Kosovo as a part of Serbia. Guy Raz, NPR News, Belgrade.

#### NOAH ADAMS, host:

While officials at The Hague Tribunal in the Netherlands buckle down to the job of trying Slobodan Milosevic, neighboring Belgium is also in the middle of a push to try suspected war criminals. With the aid of a new law, Belgian prosecutors recently won the conviction of four Rwandans, including two nuns, for war crimes in Rwanda. Israel's prime minister, Ariel Sharon, is the latest to come under scrutiny. From Brussels, NPR's Julie McCarthy reports.

#### JULIE McCARTHY reporting:

A 1993 Belgian law allows prosecutors to put on trial anyone accused of war crimes regardless of who they are, where they are or where the crimes were committed. It's known as universal jurisdiction, and Souadd Sudor(ph) has taken advantage of it in her pursuit of Ariel Sharon. She is a survivor of the slaughter at the Sabra and Shatila(ph) refugee camps under Israel's control during its invasion of Lebanon in 1982. Christian militiamen, who carried out the killings, entered the camps with the knowledge of Israeli forces in Lebanon. The massacre cost Sharon his job as defense minister. It cost Souadd Sudor six members of her family and the ability to walk. Sudor says she was shot in the back, then raped.

Ms. SOUADD SUDOR (Massacre Survivor): (Through Translator) I woke up after I fainted, and I was trying to reach some water on a table, and then again soldiers came in and they shot me in my hand. It was horrible for me to lay there among the bodies, and cats were coming around. And I was convinced that I'm gonna die.

McCARTHY: Sudor's life was threatened in Lebanon and she frequently moves house in Belgium. A Belgian prosecutor found merit in her complaint of genocide and crimes against humanity. An investigating judge must now determine whether there is enough to merit a trial and order Sharon's arrest. Luke Willain(ph) represents Sudor and the 22 other plaintiffs living in Lebanon.

Mr. LUKE WILLAIN (Attorney): We mentioned the person of Mr. Sharon because he was the commander on that place, and responsibility as commander is very important; can be considered even as more important as the people who were really killing with their own hands.

McCARTHY: As the EU president, Belgium is eager to be more active in the Middle East peace process. Foreign Ministry officials admit the case against Sharon is complicating their diplomatic efforts. Senator Elong Destex(ph), a sponsor of the law under which Sharon could be tried, says Belgium should be prepared to pay the price for pushing legal frontiers.

Senator ELONG DESTEX: The key point is that we should not accept anymore in international relation to deal with criminals. And we should find a way to investigate whether these people are criminals or not. You know, I

think morally it should be introduced in international relation, and this is a key trend in the last 10 years, and I don't think it's going to stop, whatever the reaction or the oppositions.

McCARTHY: Opposition from the Catholic clergy toward Belgium's prosecution of two nuns from Rwanda was so intense the case was almost dismissed. Both victims and perpetrators of Rwanda's genocide sought refuge in the former colonial power of Belgium. Sisters Gertrude and Marie Kisito were accused by members of their own order of collaborating in the killing of at least 3,500 people who came to their convent for shelter. In the absence of an extradition treaty with Rwanda, Belgium tried the nuns, and a Belgian jury convicted them for war crimes. Plaintiffs' attorney Yon Fairmone(ph) says the jury system helped protect the trial from undue political pressure.

Mr. YON FAIRMONE (Plaintiffs' Attorney): Those who were in favor of the former regime tried by all possible means to stop the trial from going on. So I mean, it's not only politicians, it's also magistrates that were very open to this kind of influence. If you have 12 citizens that are not involved in this kind of political mechanisms, at least it's much more difficult for those who want to put pressure on this kind of trial to intervene.

McCARTHY: Belgian citizens take pride in the Rwanda war crimes trials, after a series of scandals that sullied their own government. Belgium's new legal muscle is attracting complaints against Saddam Hussein, Lorent Vagbole(ph) of the lvory Coast, and the former president of Chad, Hissene Habre. Legal scholar Eric Daveed(ph) says the caseload could become untenable for tiny Belgium.

Mr. ERIC DAVEED (Legal Scholar): It would not be sane that we remain the only state to provide this kind of prosecution. Now you have a growing number of states who are joining Belgium. Look at the prosecutions in Spain, for instance, against people who were involved in torture in Argentine. So you see you have growing trends. I think that in five or six years everybody will have forgotten Belgium.

McCARTHY: Daveed notes that Belgium is only doing what the Geneva Conventions have obliged signatories to do since 1949: search for persons alleged to have committed grave breaches of law and bring them, regardless of nationality, before their own courts. Belgium's law is meant to complement UN war crimes tribunals and is governed by the same principle: a global obligation to try the most heinous crimes. Again, attorney Luke Willain.

Mr. WILLAIN: Genocides concerns people living in other countries, and it is a responsibility of the whole humanity to punish those who are responsible.

McCARTHY: Belgium's law does not consider sitting heads of government immune from prosecution. Lawmakers are trying to tighten the statute to avoid any diplomatic row, for example, with Israel. Even the law's most rigorous backers say Belgium must reconcile the need for war crimes accountability with the need to conduct foreign relations. Again, law author Eric Daveed.

Mr. DAVEED: So it's true that maybe this justice is something which remains rather theoretical or rather symbolic. But, you know, in this world we need symbols.

McCARTHY: Proposed amendments to the Belgian law would mean no arrest warrant could be issued against leaders such as Ariel Sharon as long as they remain in office. The armor of immunity that sitting heads of government wear is not about to be pierced, even by Belgium. Julie McCarthy, NPR News, Brussels.

(Soundbite of music)

ADAMS: Experiencing the biggest big gulp. That's coming up on ALL THINGS CONSIDERED.

LINDA WERTHEIMER, host:

From NPR News, it's ALL THINGS CONSIDERED. I'm Linda Wertheimer.

NOAH ADAMS, host:

And I'm Noah Adams.

Officials in California are seeking nearly \$9 billion in refunds from power companies, claiming the state was forced to pay excessively high prices for electricity during this year's energy crisis. A federal mediator says that although the state is clearly owed very large funds, the amount is actually closer to \$1 billion. California lawmakers have blamed the overcharges on companies outside the state, especially in Texas. But newly released sales figures show California paid some of its highest energy prices to in-state companies, including some public utilities. NPR's Scott Horsley has a report.

#### SCOTT HORSLEY reporting:

All year, California's governor has vilified out-of-state power suppliers, calling them pirates and the biggest snakes on the planet. Two months ago, Davis singled out Reliant Energy for attack, saying the Houston-based company had charged the state a whopping \$1,900 for a megawatt hour of electricity. On average, though, Reliant's prices were lower than those charged by some in-state suppliers, according to sales figures made public this week by the state's power purchasing agency. Joe Bob Perkins, who runs Reliant Energy's wholesale group, says the numbers prove the company is not price gouging.

Mr. JOE BOB PERKINS (Reliant Energy): Our margins in 2000, for example, were actually lower than they were in 1998. We did produce a lot more electricity to help keep the lights on in California. And our California employees are very proud of that contribution.

HORSLEY: According to the new data, Reliant's average price for a megawatt hour during the first three months of the year was \$236, 12 percent below the statewide average. Two other Houston-based firms, Dynegy and Enron, also charged below-average prices. By contrast, Sempra Energy, based right here in San Diego, charged 62 percent above the average price for electricity. Sempra spokesman Doug Kline defends the high prices charged by the company's trading arm, saying it was merely acting as a middleman, reselling power that was already expensive.

Mr. DAVID KLINE (Sempra Spokesman): We were being asked to go out and buy power at the most expensive times of the day when a lot of these other suppliers would not sell to the state.

HORSLEY: Another high-priced seller was PowerX(ph), the trading arm of VC Hydro, a government-owned utility in Canada. Oscar Edalgo(ph), who's with California's Power Purchasing Agency(ph), says Canada's PowerX charged an average of nearly \$500 per megawatt hour, more than double the price charged by Houston's Reliant.

Mr. OSCAR EDALGO (Power Purchasing Agency, California): PowerX has positioned themselves as a last-minute supplier. And when California is in a very crucial instance, they will then offer to sell at very high prices. They have positioned themselves publicly as saying, `Well, we're helping keep the lights on.' Well, at the same time they're making a profit.

HORSLEY: The city of Los Angeles is also making a profit, selling surplus power from its city-owned utility to California at an average price 24 percent above Reliant's.

The numbers throw cold water on California policy-makers who spent the last year shaking their fists at Texas power suppliers. The state senators said this winter that unless California took control of its power supply, it would have to raise a Texas flag over the state Capitol. And Governor Gray Davis has tried to link inaction by the Bush administration to the president's cozy relations with power producers from his home state. The governor's office still argues that many of the profits from high energy bills flow through Houston, but spokesman Steve Maviglio said Davis is willing to take on other suppliers, if it will lead to lower prices.

Mr. STEVE MAVIGLIO (Spokesman): This is equal opportunity criticism for anybody who rips off California.

HORSLEY: Consumer advocate Nettie Hoge of the Utility Reform Network complains the prices charged by all of the suppliers are too high. She says that's the danger of using an unregulated market to distribute an essential commodity like electricity.

Ms. NETTIE HOGE (Utility Reform Network): The problem is not so much that those folks who are public entities responded to the greed incentive. It's that we created a system that made the greed incentive primary.

HORSLEY: The new state data includes some good news for consumers. The average price per megawatt hour has fallen by more than half since January, though power still costs four times what it did in the spring of last year. Officials hope the price will keep falling as new plants come online, more long-term contracts are signed, and as energy suppliers, both outside and inside California, come under growing public scrutiny. Scott Horsley, NPR News, San Diego.

#### LINDA WERTHEIMER, host:

If summertime makes you think of long hot days and tall cool drinks, your local 7-Eleven has an offer for you. The convenience store's offering what they call the X-treme Gulp, three pounds of your favorite liquid refreshment in a giant insulated mug. It's huge, it's red and turns heads on busy city streets. We asked several people what they thought of the thirst quencher. We begin with Yvette Patovanage(ph), a clerk at a 7-Eleven here in downtown Washington.

Ms. YVETTE PATOVANAGE (Clerk, 7-Eleven): It's heavy. When it's full, it holds a lot. It holds a lot. It holds maybe like a small bag--not really a small bag of ice, but close to it--a seven-pound bag of ice because the cup is so wide and big and deep.

(Soundbite of ice dropping into drink container)

Mr. TIM MATSON: I'm Tim Matson from Frederick, Maryland. Really you should only drink this if you know there's a rest stop within about 20 minutes because I can't imagine anyone being able to hold this much liquid for a half-hour. I mean, I just don't know how big my bladder is, but it's definitely not this large.

Ms. ROBIN SHAFFORD: My name's Robin Shafford(ph). I think it's a really cool container, but, you know, to hold--I have a plastic bag with some things from the gift shop at the Smithsonian in one hand, so I'm trying to hold it in on hand, and it's hard to keep it level as you hold it with just one hand.

(Soundbite of ice dropping into drink container)

Mr. DAVID KITCHIN: David Kitchin from Crofton, Maryland. And I'd definitely say this is too big for a car 'cause you can't really put it in a cup holder. So it looks a little bulky to me.

Ms. ANDREA TEOLA: My name is Andrea Teola(ph) and I'm from Cleveland, Ohio. This doesn't look like it's for children. It's much too heavy. But I could carry it.

WERTHEIMER: Whatever consumers say, 7-Eleven says the X-treme Gulp is a hit. John Ryckevick(ph) is the category manager for Slurpee and Fountains at 7-Eleven. He explained how the X-treme came to be.

Mr. JOHN RYCKEVICK (7-Eleven): We saw a need to actually exceed the customer's expectations when we think about cold beverages. And one of the things that most regular cups that everyone carries--they don't have a lot of insulation properties. So we worked very closely--I worked very closely in 7-Eleven with one of our key suppliers, Aladdin Industries, who's well-known for making thermoses, and we came up with the idea of something that would hold cold longer than anything out there.

WERTHEIMER: I wondered if perhaps you might be planning, perhaps, as your next promotion the X-treme Big Cup Holder(ph)? And what are you supposed to do with this thing?

Mr. RYCKEVICK: This question came up in the beginning quite a bit. This definitely doesn't fit in a normal cup holder within a car. The best way to do it is seat belt it next to you.

WERTHEIMER: How do you imagine your customers would use this thing? I mean, what is it really for?

Mr. RYCKEVICK: There's nothing that makes me feel better as I'm driving around--you have seen it just like I have. UPS trucks typically have their door open. I just get a smile on my face when I look in and see an X-treme Gulp mug sitting on the counter of a UPS truck. I know he's going to enjoy that all day long because he filled it up in the morning at 7-Eleven, and it's gonna to get him through his day.

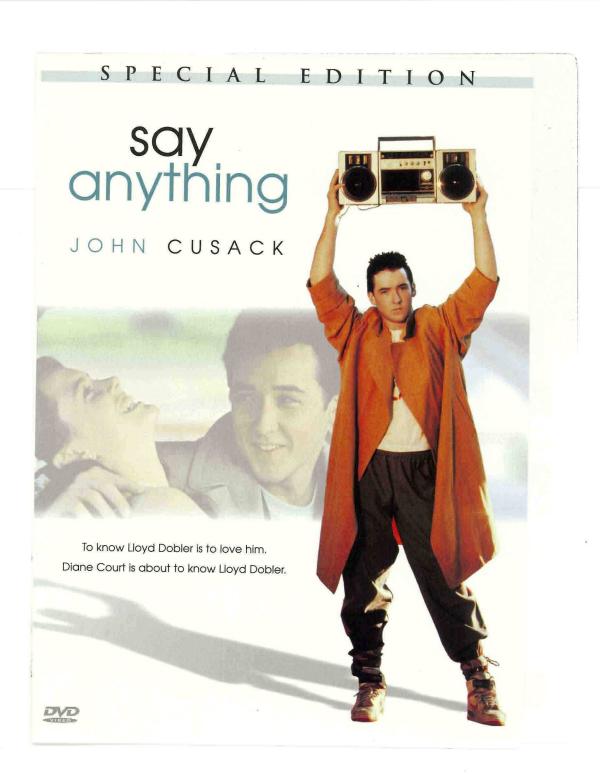
WERTHEIMER: John Ryckevick, thanks very much.

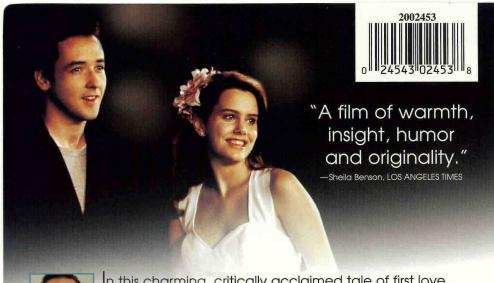
Mr. RYCKEVICK: You're very welcome.

WERTHEIMER: John Ryckevick is category manager for Slurpee and Fountains for 7-Eleven. We reached him at 7-Eleven headquarters in Dallas.

(Soundbite of music)

NOAH ADAMS (Host): It's ALL THINGS CONSIDERED from NPR News.







In this charming, critically acclaimed tale of first love, Lloyd (John Cusack), an eternal optimist, seeks to capture the heart of Diane, an unattainable high school beauty and straight-A student (Ione Skye). He surprises just about everyone - including himself - when she returns the sentiment. But Diane's over-possessive, divorced dad

(John Mahoney) doesn't approve and it's going to take more than just the power of love to conquer all. Color, 1989, Approx. 100 Minutes.



#### **BONUS FEATURES:**

Commentary by Director Cameron Crowe, John Cusack and Ione Sky • 10 Deleted Scenes, 13 Extended Scenes & 5 Alternate Scenes • Featurette • Theatrical Trailers & TV Spots • Anamorphic Widescreen (Aspect Ratio 1.85:1) • Audio: English 5.1 Dolby Surround, English Dolby Surround, French Stereo • Subtitles: English, Spanish

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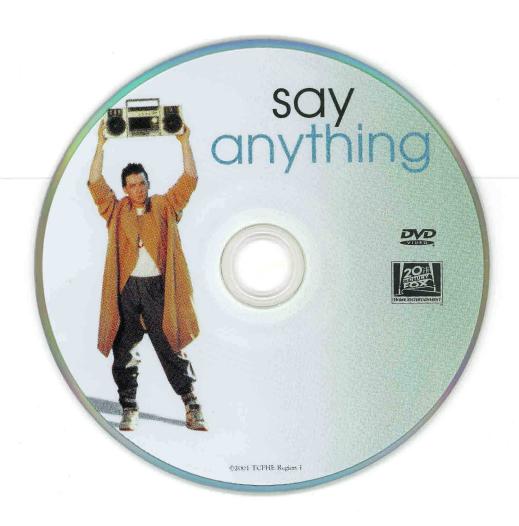






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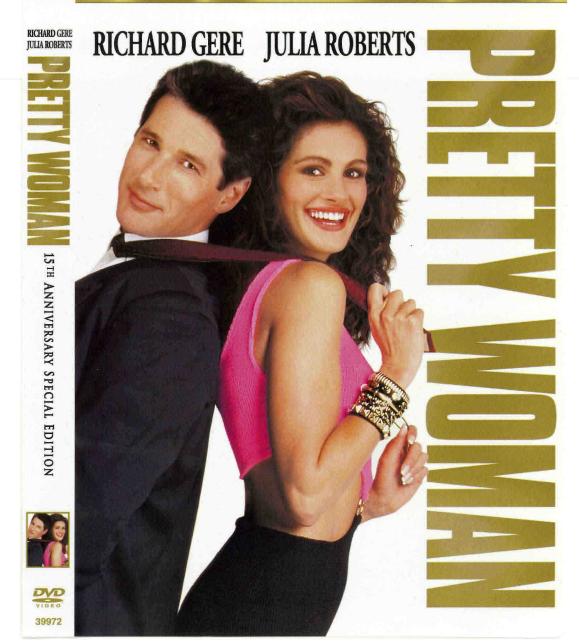


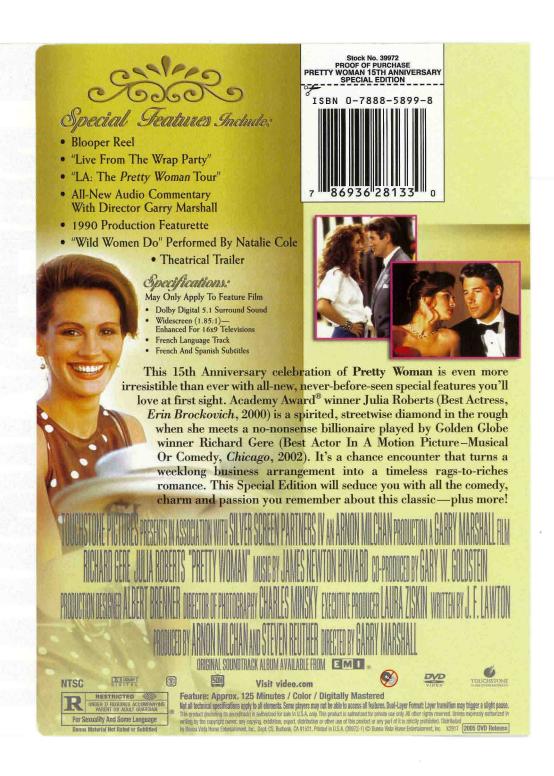


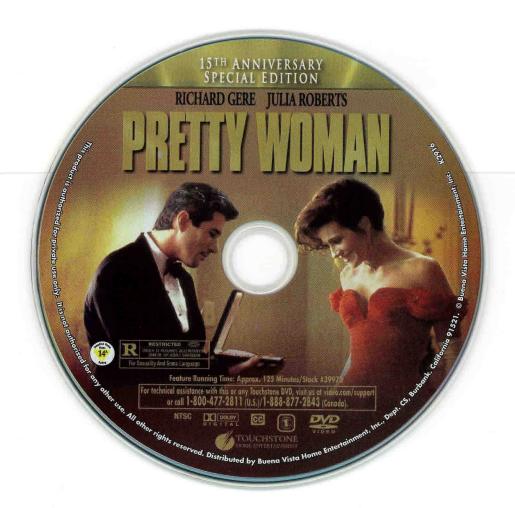




# 15TH ANNIVERSARY SPECIAL EDITION







# **Pretty Woman**

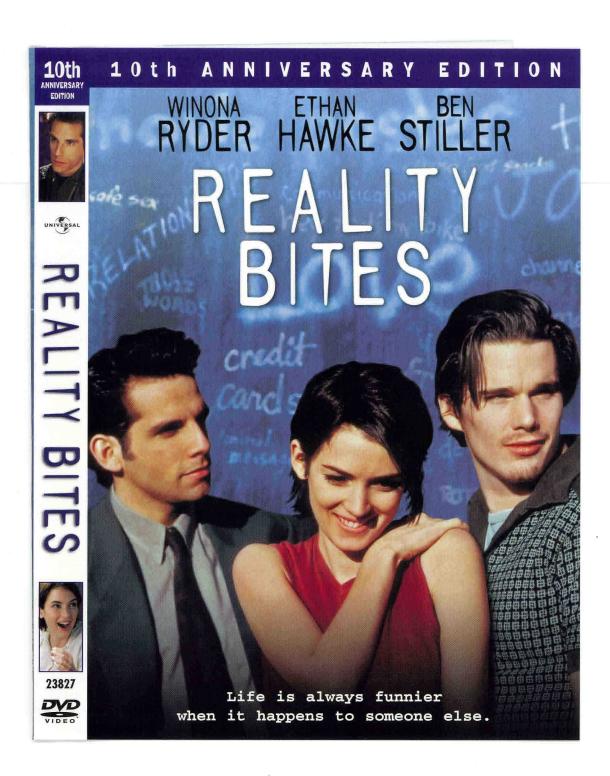


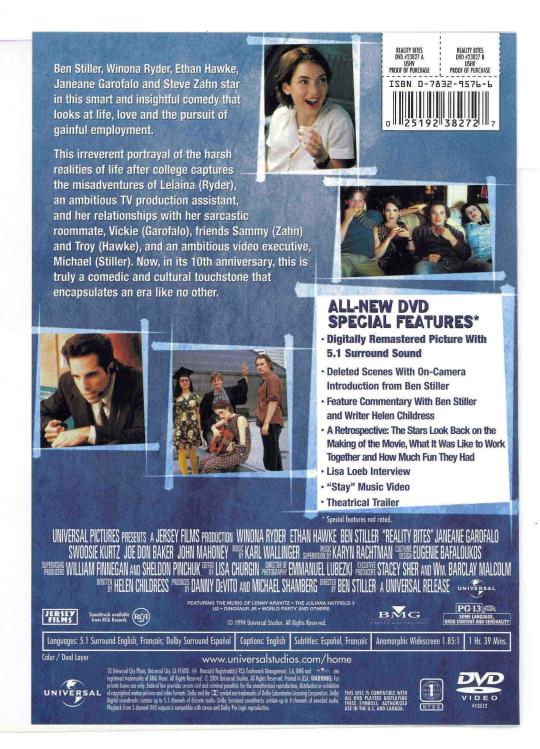


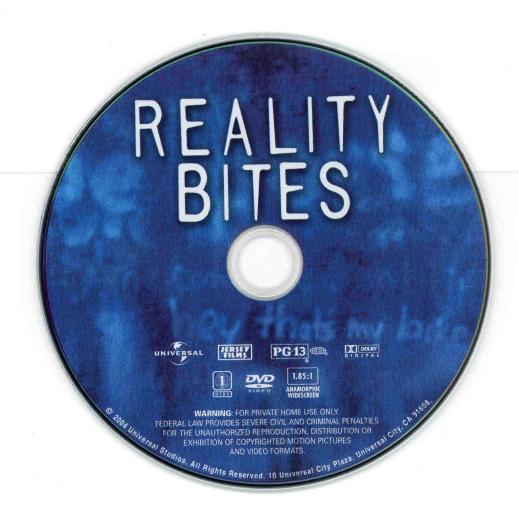
# **Pretty Woman**











# **Reality Bites**





# **Reality Bites**





# **Reality Bites**





PLATINUM SERIES \*\*\*



# NEW LINE PLATINUM SERIES™

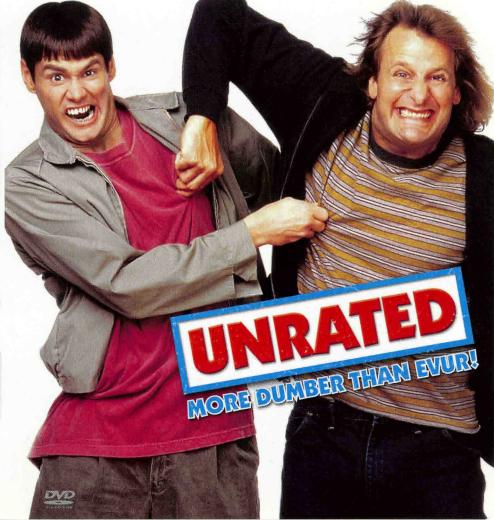


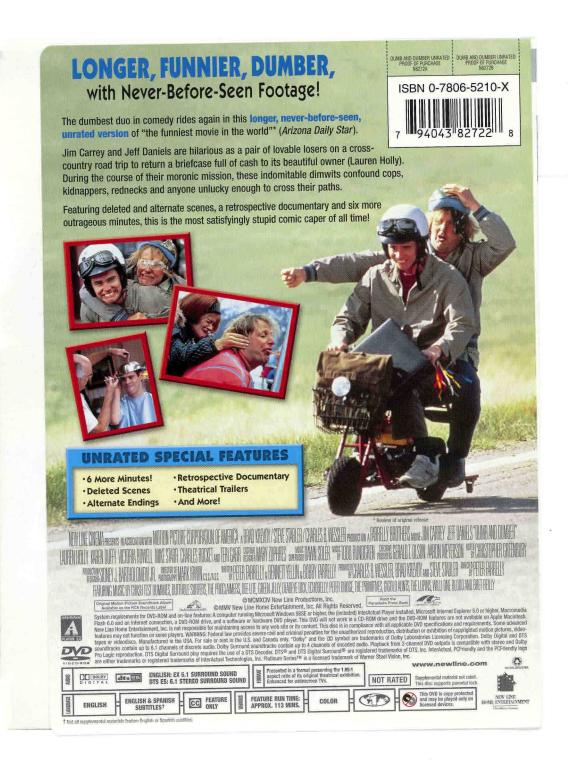










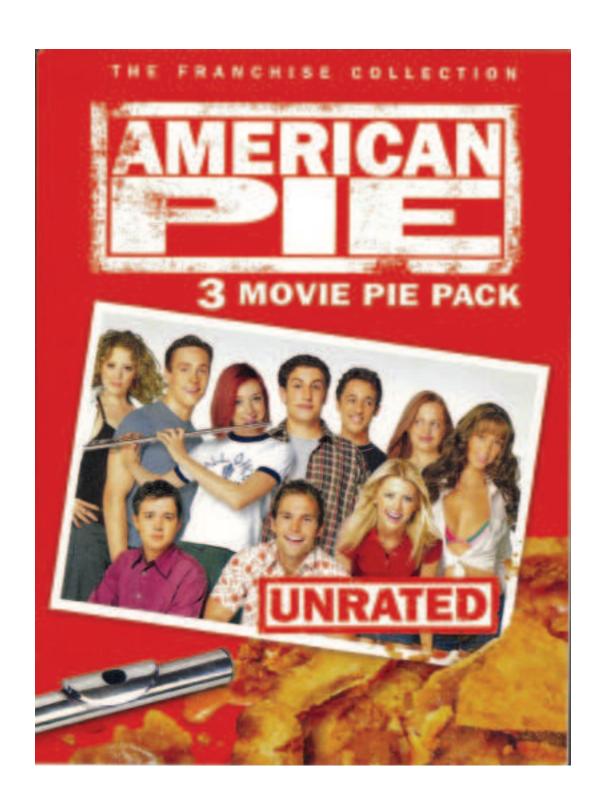


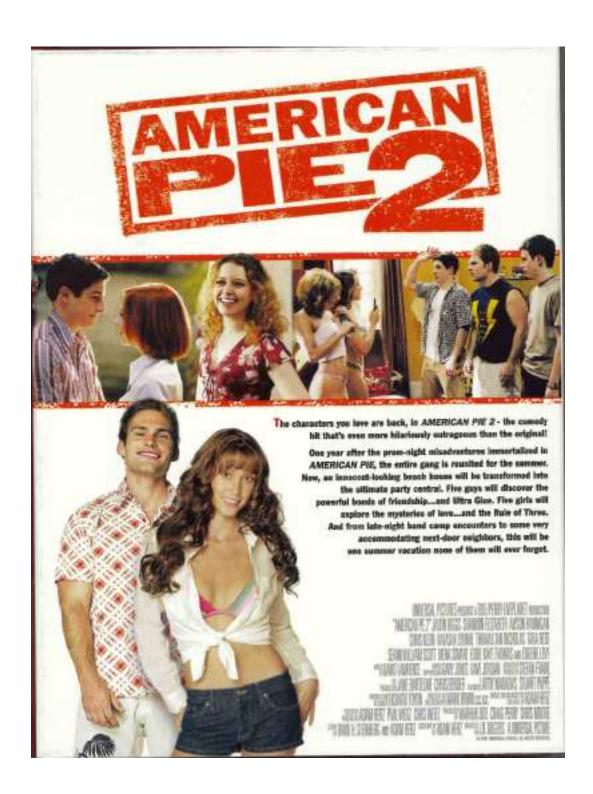


#### **Dumb & Dumber**











### **American Pie II**





### **American Pie II**





### **American Pie II**









# **Baby Mama**





# **Baby Mama**





# **Baby Mama**





Name of Publication	Citation	Date

	Articles 1-3 (PRETTY WOMAN)				
	he Chronicle Publishing Co. – he San Francisco Chronicle	Section: People, Pg. B5 – Title: Musings from a Memo on Hollywood's Future	April 2, 1997 – Final Edition		
	illboard Publications, Inc. – illboard	Section: No. 1 in Billboard; Pg. 1	March 16, 1991		
3. Ne	ewsday, Inc. – Newsday	Section: City Business; Advertising/Marketing/Media; Pg. 7 – Title: Studios are reluctant to focus on women	October 8, 1990 – City Edition		
	Ar	ticles 4-12 (REALITY BITES)			
4. Th	he Associated Press	Section: Entertainment News – Title: By the Associated Press	September 16, 1994  – BC cycle		
5. Th	he Associated Press	Section: Entertainment News – Title: By the Associated Press	July 29, 1994 – BC cycle		
	PI Communications, Inc. – he Hollywood Reporter	Title: Dose of 'Sugar' on top	March 1, 1994		
	PI Communications, Inc. – PI Entertainment News Wire	Title: Seagal on solid ground at box office; Entertainment News Wire	February 24, 1994		
8. Th	he Associated Press	Section: Domestic News – Title: "On Deadly Ground" Leads at box office through holiday weekend	February 23, 1994 – PM Cycle		
	PI Communications, Inc. – PI Entertainment News Wire	Title: Seagal on solid ground at box office; Entertainment News Wire	February 23, 1994		
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	Articles 13-16 (SAY ANYTHING)				
	oronto Star Newspapers, Ltd. – he Toronto Star	Section: Entertainment; Pg. C6 – Title: Pryor-Wilder combo a winner	May 17, 1989 – ONT		

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14. The Associated Press	Section: Domestic News – Title: 'See No Evil' Tops weekend box office	May 15, 1989 – AM Cycle
15. U.P.I.	Section: Domestic News – Title: 'Pet Sematary' buries competition at box office	April 25, 1989 – BC cycle
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Arti	icles 17-71 (DUMB & DUMBER)	
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19. BPI Communications, Inc. – The Hollywood Reporter	Title: A new destination for pics Stabler, Baum find unique backing for full-service company	October 20, 1998
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21. Information Access Company – ASAP; TV Trade Media Inc. – Video Age International	Section: No. 4, Vol. 16; Pg. 1; ISSN: 0278-5013 – Title: Brazil: in top ten in U.S. theatrical biz; includes related article on product licensing in Latin America, Industry overview	May, 1996
22. BPI Communications, Inc. – The Hollywood	Body:division manager. The promotions come in recognition of New Line's box-office success over the past two years with releases such as "Dumb and Dumber." "Seven," "Mortal Kombat," "The Mask" and "Friday." All of which have generated more than \$300 in box-office sales. "We have one of the most dedicated and aggressive sales and distribution teams in the industry," said Al Shapiro, senior executive VP general sales manager of New Line	April 11, 1996

Name of Publication	Citation	Date
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24. The Associated Press	Section: Domestic News – Title: 'Dumb and Dumber' takes number one in position in debut	December 18, 1994  – AM cycle
25. Boston Herald Inc. – The Boston Herald	Section: Arts & Life; Pg. 030 – Title: Arts	December 19, 1994  – Second Edition
26. CanWest Interactive – The Vancouver Sun	Section: Entertainment; Column One; Pg. C4 – Title: Column One	December 20, 1994  – Final Edition
27. The Associated Press	Section: Domestic News – Title: 'Dumb and Dumber' defeats 'Speechless' in box-office Landslide	December 20, 1994 – PM cycle
28. The Associated Press	Section: Domestic News – Title: 'Dumb and Dumber' holiday box office winner	January 2, 1995 – AM cycle
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30. Orange County Register – The Orange County Register	Section: Show; Pg. F03 – Title: News Bites	January 3, 1995 – Morning Edition
31. Newsday, Inc. – Newsday	Section: Part II; Pg. B07 – Title: 'Dumb' luck hits theater again	January 3, 1995 – Nassau and Suffolk Edition
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33. The Associated Press	Section: Domestic News – Title: 'Dumb and Dumber' hangs on to the box-office lead	January 8, 1995 – AM cycle
34. CanWest Interactive – The Vancouver Sun	Section: Entertainment; Column One; Pg. C1 – Title: Column One	January 9, 1995 – Final Edition
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Name of Publication	Citation	Date
36. The Associated Press	Section: Domestic News – Title: 'Dumb and Dumber' hangs on to box office lead	January 9, 1995 – PM Cycle
37. The Associated Press	Section: Domestic News – Title: 'Legends of the Fall' No. 1 at the box office	January 23, 1995 – PM cycle
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43. Bergen Record Corp. – The Record	Section: Lifestyle / Entertainment; Pg. B13	January 30, 1995 – All Editions
44. The Associated Press	Section: Domestic News – Title: 'Legends' stays on top of weekend box office	January 29, 1995 – AM cycle
45. BPI Communications, Inc. – BPI Entertainment News Wire	Title: 'Legends' bowled over box office	January 31, 1995
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49. BPI Communications, Inc. – BPI Entertainment News Wire	Title: Billboard charts; (c) 1995, BPI Communications Inc.	September 21, 1995
50. Time Inc. – Entertainment Weekly	Section: Video – Title: Top Video	September 29, 1995
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62. The Times Mirror Company – Los Angeles Times	Section: Calendar, Part F, Page 1, Column 6; Entertainment Desk – Title: New year box office starts off with bang; Movies: at \$15.5 million, 'Dumb' stole the show during the long holiday weekend. But many other movies filled the seats as well.	January 3, 1995 – Home Edition
63. Reed Elsevier Inc. – Variety	Section: Special report; Focus; AFM update; Pg. 80 – Title: Independents find money's available, for the fight price	March 2, 1998
64. The Associated Press	Section: Domestic News – Title: 'Toy Story' lead record \$138.3 million new year's weekend box office	January 2, 1996 – AM cycle
65. BPI Communications, Inc. – The Hollywood Reporter	Byline: Doris Toumarkine issuing first results since its alliance, Turner Home Entertainment and New Line Home Video announced Thursday that they dramatically increased their combined market share for the first half of 1995.	August 18, 1995
66. The Financial Times Limited – Financial Times	Section: International Company News; Pg. 31 – Title: Solid profit growth for Turner in final term	February 22, 1995
67. Cable News Network, Inc. – CNN – Show: Showbiz Today	Section: Entertainment – Title: Dumb, simple protagonists formula for movie success	January 2, 1995
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Name of Publication	Citation	Date
71. BPI Communications, Inc. – The Hollywood Reporter	Body:collecting the money. That New Line staff and that strategy carried over to the in January 1995 and began a year in which sales jumped 74% from 1994, due in large part to record sales for New Line and the of tow Jim Carrey movies, "The Mask" and "Dumb and Dumber". "The merger with TBS has enabled us to be even more aggressive," said executive VIP Michael Karaffa. With such tremendous success in	July 9, 1996
	icles 72-93 (AMERICAN PIE II)	
72. Cable News Network – Show: CNN Live This Morning	Section: Entertainment – Title: "American Pie 2" Rules At Box Office	August 13, 2001
73. PR Newswire Association, Inc. – PR Newswire	Section: Entertainment, Television And Culture – Title: Universal Pictures Has Its Fourth Number One, \$40 Million Opening In A Row As "American Pie 2" Grosses \$45.1 Million Its First Weekend At The Box Office, Setting A New Record For R-Rated Comedies.	August 13, 2001 – Correction Appended
74. BPI Communications, Inc. – BPI Entertainment News Wire	Section: Entertainment News – Title: Billboard Charts	February 27, 2002
75. Newsday, Inc Newsday	Section: Part II/Weekend, Pg. B43 – Title: Hot Video And DVD	February 22, 2002  – Nassau Edition
76. Newsday, Inc Newsday	Section: Part II/Weekend, Pg. B51 – Title: Hot Videos And Dvds	February 15, 2002  – Nassau and Suffolk Edition
77. CanWest Interactive – The Gazette	Section: Arts & Entertainment, Pg. C12 – Title: Rat Race Is Out In Front	February 9, 2002 – Final Edition
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80. Cahners Business Information – Video Business	Section: Market Data; Top VHS Renters; Pg. 39 – Title: Top VHS Renters; Week Ended January 27	February 4, 2002
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84. Cahners Business Information – Video Business	Section: Market Data; Top VHS Renters; Pg. 33 – Title: Top VHS Renters; Week Ended January 20	January 28, 2002
85. Cahners Business Information – Video Business	Section: Market Data; Top DVD Renters; Pg. 34 – Title: Top DVD Renters; Week Ended January 20	January 28, 2002
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Artic	eles 94-101 (CANNONBALL RUN)	<u> </u>
94. Newsday	News; Pg. A11 – Title: Angel Faces Down Death; An Iconic Figure Of '70s And '80s, Fawcett Opens Up About Her Battle With Cancer In Dramatic And Personal Documentary.	May 16, 2009
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98. The Washington Post	Style; Show; Limelight; K3 – Title: Notes From All Over	June 28, 1981 – Final Edition
99. The New York Times	Section D; Page 4, Column 1; Financial Desk – Title: Fox's Hirschfield Emerges As Victor In Executive Battle	July 2, 1981 – Final Edition
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Name	e of Publication	Citation	Date
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		Articles 102-110 (BABY MAMA)	
102.	The Washington Post	Weekend; Pg. WE36 – Title: Top 5 Popular Area Rentals; Popular Area Rentals	October 3, 2008
103.	The Houston Chronicle	Preview; Pg. 18 – Title: Top Films	July 3, 2008
104.	The Houston Chronicle	Preview; Pg. 18 – Title: Top Films	June 26, 2008
105.	The Dallas Morning News	Guidelive; Pg. 6E – Title: Box Office Chart	June 20, 2008
106.	St. Louis Post-Dispatch	Screens; Pg. E6 – Title: Tops At The Box Office	June 20, 2008
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108.	Times-Picayune	Lagniappe; Reel Winners; Pg. 5 – Title: Top 10	June 13, 2008
109.	Los Angeles Times	Business; Business Desk; Part C; Pg. 2  – Title: Weekend Box Office	June 10, 2008
110.	Times-Picayune	Lagniappe; Reel Winners; Pg. 5 – Title: Reel Winners	June 6, 2008

#### FOCUS - 1 OF 3 STORIES

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The San Francisco Chronicle

APRIL 2, 1991, TUESDAY, FINAL EDITION

SECTION: PEOPLE; Pg. B5

LENGTH: 726 words

HEADLINE: Musings From a Memo On Hollywood's Future

BYLINE: JERRY CARROLL, CHRONICLE STAFF WRITER

## BODY:

Putting expensively-shod feet up, steepling manicured fingers and commencing to drone, Walt Disney Studios boss Jeffrey Katzenberg unburdened himself of many things.

Disney led the pack in Hollywood in 1990, its 19 films topped by ''Pretty Women'' (\$ 178.3 million) and ''Dick Tracy'' (\$ 103.7 million), helping push corporate profits to \$ 824 million on revenues of \$ 5.84 billion.

But Katzenberg, dictating what has a good shot at being remembered as the ''War and Peace'' of corporate memoranda, an 11,000-word opus whose very length made necessary a six-page introduction, felt pity for those who saw this as reason for slapping high-fives.

''Our No. 1 status was far from a sign of robust health. Instead, it merely underscored the fact that our studio did the least badly in a year of steady decline for all of Hollywood, a year that was capped off by a disastrous Christmas for nearly everyone.''

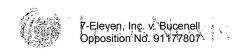
Greed is devouring the industry, Katzenberg warned the dozen members on the Disney high command memo-distribution list, whose desks felt the concussion of the windy document landing January 11. Not only danger threatened, was its dark import, but ''great danger.''

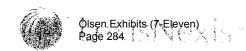
Showing a knack for metaphor, he invoked the specter of a ''coming storm'' that would bring with it ''a tidal wave of runaway costs and mindless competition'' forcing many in Hollywood to scramble verminlike for higher ground to save their hides.

## A BIGGER PIECE OF PIE

The grasping hands at the windpipe of Disney and everybody else in the business, Katzenberg said, belonged to actors, writers and directors ravenous for an ever-bigger piece of the pie.

Singled out was the \$ 3 million Marin screenwriter Joe Eszterhas got last









June for his script ''Basic Instinct.''

Studio heads long for the days when they ruled and actors and directors were machine-cogs locked into long-term contracts paying crumbs. In that golden time, writers punched time cards.

Not viewed as a threat in the Katzenberg memo were executive salaries. Disney chief executive officer Michael Eisner, for example, was paid \$ 11.25 million in 1990. It's not beyond the realm of possibility that somebody struck by this seeming oversight leaked a copy of Katzenberg's musings. Other than declaring himself ''disappointed'' that it became public, he has since refused to comment.

But maybe the leaker was Katzenberg himself, playing a deeper game, signaling the Wall Street bean counters that Disney had learned its lesson with the bloated profit-draining ''Dick Tracy'' and wouldn't make that kind of mistake again, honest. No more inking big stars with jumbo salaries in hopes of bringing off a blockbuster like ''Batman.''

#### CHEAP TALENT

Talent, though. Where to find it? The chuckling Katzenberg mused that they ought to hang around outside the Betty Ford Clinic waiting to sign up dried-out actors ''on the downward slope of their careers'' grateful for a fresh start. Young people, too, come cheap.''

Other highlights from the memo:

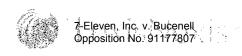
The loaf theory: ''People wanted escape (during the Great Depression) and the movies offered it cheap -- 10 cents a ticket, or the cost of a loaf of bread. Today, a ticket to the movies costs the equivalent of six or seven loaves of bread.'' A videotape costs only \$ 2 or so, ''less than the cost of a loaf of bread.'' Instinctively, people will gravitate to escapist entertainment costing no more than Wonder Bread.

The loaf solution: ''Perhaps we should consider charging \$ 200 for a rental title. This would force stores to charge \$ 5 for a popular title, but \$ 5 -- one loaf per person -- would still be an excellent entertainment bargain.''

What's right about America: ''At the same time that America has lost its dominance of the world's economy, it has become a pre-eminent force in the world's culture. And this is largely because of what we do.''

Hold on for this -- good stories make good movies: ''The idea may be king and high concepts may be powerful, but the crucial step is translating them into compelling stories. It is the story that people remember. It is the story that gives the movie business its extraordinary power to impact the world.''

What's at the heart of a good story: ''One or more central characters who confront something elemental about themselves by the end of the film. This sounds more cerebral than it is.''







## FOCUS - 2 OF 3 STORIES

## Copyright 1991 Billboard Publications, Inc. Billboard

March 16, 1991

SECTION: NO. 1 IN BILLBOARD; Pg. 1

LENGTH: 92 words

BODY:

HOT 100 SINGLES \* SOMEDAY MARIAH CAREY (COLUMBIA)

TOP POP ALBUMS \* MARIAH CAREY MARIAH CAREY (COLUMBIA)

HOT R&B SINGLES \* WRITTEN ALL OVER YOUR FACE RUDE BOYS (ATLANTIC)

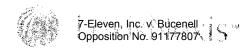
TOP R&B ALBUMS \* I'M YOUR BABY TONIGHT WHITNEY HOUSTON (ARISTA)

HOT COUNTRY SINGLES \* I'D LOVE YOU ALL OVER AGAIN ALAN JACKSON (ARISTA)

TOP COUNTRY ALBUMS \* NO FENCES GARTH BROOKS (CAPITOL)

TOP VIDEO SALES \* PRETTY WOMEN (TOUCHSTONE HOME VIDEO)

TOP VIDEO RENTALS \* DIE HARD 2: DIE HARDER (CBS-FOX VIDEO)







### FOCUS - 3 OF 3 STORIES

## Copyright 1990 Newsday, Inc. Newsday

October 8, 1990, Monday, CITY EDITION

SECTION: CITY BUSINESS; ADVERTISING/MARKETING/MEDIA; Pg. 7

LENGTH: 1457 words

HEADLINE: Studios Are Reluctant To Focus on Women.

BYLINE: BY DOTTIE ENRICO

BODY:

WOMEN are big spenders at the box office. So what is Hollywood going to do about it?

It's tough to get Hollywood movie executives to discuss marketing, especially targeted to women. In the past decade, they've been able to draw audiences to the box office with a repertoire of other "M" words - magic, mischief and macho.

The fact is that the two top-grossing films of 1990 - "Pretty Woman" and "Ghost" - are works that belong to the movie genre dubbed "women's pictures." This is posing an interesting question for those who produce, appear in and sell movies.

Can America expect a rash of movies over the next few years featuring subjects that might traditionally appeal to women? Or will Hollywood continue to largely ignore women as a financially viable target audience?

"I'd be surprised if you could get any studio executive to tell you that they're going to start making more films for and about women," said Anne Thompson who writes a regular marketing column for Variety, a trade publication.

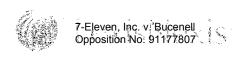
Thompson chalks this up to the fact that, by and large, the movie biz is one still controlled by men.

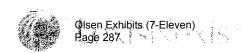
"Young men can be counted on to show up in large numbers for the opening weekend of a 'Rambo' or 'Die Hard,' " said Thompson. "It's a widely held belief in Hollywood that it's harder to draw a female audience."

Steve Frankfurt, chairman of Frankfurt, Gips, Balkind, a New York ad agency that specializes in movie marketing, says sexism has nothing to do with it. "Studio executives, like any other good businessmen, are not about to ignore a segment of the marketplace that is spending money. To say it has something to do with sexism is ill-informed."

What is stirring the debate is the unexpected box office successes of "Pretty Woman" a romantic fantasy; "Ghost" a thriller/romance; and the newly released "Postcards from the Edge," a mother-daughter story.

Industry experts estimate that more than 50 percent of the audiences for









"Pretty Woman" has sold more than \$ 172 million in tickets. "Ghost" has brought in almost \$ 150 million. "Postcards" has racked up \$ 19 million in just two weeks.

These numbers are particularly impressive when measured against macho movie counterparts. Male-targeted thrillers such as "Die Hard 2," which has earned \$ 112 million in <u>sales</u> and "Total Recall," with <u>sales</u> of \$ 117 million, were almost twice as expensive to produce, so profits are even smaller.

"The common belief has been that female stars just don't have the power at the box office that male stars do," said Richard Brown, a film professor at Manhattan's New School. "The last time you really saw films that were sold to women and starred women was back in the Forties, with Joan Crawford, Bette Davis and Katharine Hepburn."

One of the other factors that studios take into account when they're producing pictures is how well it will do internationally.

"It's often hard to sell romance and humor overseas," said a marketing executive at a major studio. "Unfortunately, women are often the headliners in these types of pictures. Very few rock 'em, sock 'em-type movies star women."

This notion has not only contributed to fewer female-targeted pictures, it is also fueling the controversy over pay disparities between actors and actresses. According to the Screen Actors Guild, last year actors made almost 70 percent more than actresses, on average.

If any moviegoer has been ignored, studio executives say, it is the older woman.

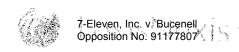
"In the past, younger adults and teens accounted for the majority of moviegoers. Now that older adults are showing that they are continuing to go to the movies in force, we are in the process of refining and redefining our target audience," said Barry London, president of Paramount's Motion Picture Group, the company that distributed "Ghost."

According to a study done by the Motion Picture Association of America, last year moviegoers over the age of 40 accounted for 33 percent of total audience share, compared with 25 percent five years ago. The number of young people in movie houses has dipped from 67 percent of the total audience in 1984 to 60 percent in 1989.

Changing demographics have not only forced the major film distributors to examine which movies they'll produce, they've forced the distributors to adopt more sophisticated marketing methods.

"The movie industry is one of the last industries to adopt target marketing," said Caroline Jones, the founder of Caroline Jones Advertising. "They've always gotten along using a mass-merchandising approach. "

Today the studios are developing highly targeted marketing plans. They're advertising on cable stations with strictly defined demographics and sending out







fliers to targeted ZIP code areas. They're also increasing ad budgets. Currently, studios spend between \$ 15 million and \$ 20 million to promote a major film.

"The problem with some kinds of target marketing is that movie production schedules don't give us enough lead time," Frankfurt said. "If you're going to advertise in a women's magazine, you've got to have work ready three months before a picture opens."

Some in the industry argue that women often have been ignored as a target market because, as consumers, they are slower to go to the box office.

"Women have a tendency to do a quality check first. They respond to good reviews, word-of-mouth, and won't necessarily rush to the box office just because Arnold Schwarzenegger is in the picture," said one studio executive. "It's a more subjective call and often tough to predict. Who would've ever guessed that 'Ghost' and 'Pretty Woman' would have such staying power? It's longevity that's accounted for the success of each picture."

Who's Hot

TRADITIONAL hotel ads carry plenty of copy about room service, fluffy towels and great prices. Then there is the campaign for Paramount. Industry creative leaders say it's putting haute back in hotel advertising.

The man behind the Paramount ads is Neil Kraft, a 34-year-old Barney's executive who heads up BNY, Barney's in-house ad agency that also services outsiders such as Morgan Hotel Group, Goldin-Feldman Furs and the Basco clothing line.

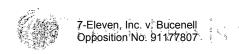
Kraft is credited with creating the ground-breaking Barney's ads featuring stark, stylish portraits of celebrities in Barneyswear. Now, for the city's Paramount, Kraft put together three-page spreads that provide a private look behind closed doors at the hotel.

Since the Paramount targets the fashion-conscious traveler, the ads have run in unusual places such as Vogue and L.A. Style. To reach glamor-loving Hollywood execs, the ads also are appearing in Variety and the Hollywood Reporter.

Mad. Ave.

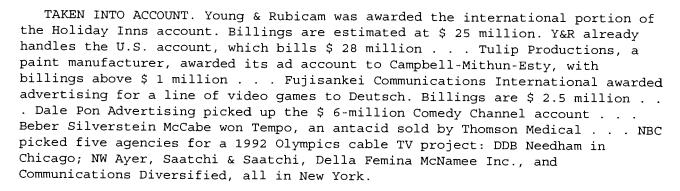
THE Advocate, the nation's largest and oldest gay newsmagazine, has undergone a major redesign and editorial expansion. The new design, by J.-C. Suares, features a new cover look and new departments that include political coverage, gossip, and entertainment profiles. The redesigned publication hits newsstands this week.

TWO DOWN. Two major advertisers are in the process of conducting agency reviews. Last week, Young & Rubicam ended a four-year contract with Trans World Airlines because it could not reach an agreement with the airline over compensation; the agency complained of unacceptable losses. TWA has an ad budget of \$ 45 million. Scali, McCabe, Sloves and Nikon, Inc. also have split. Nikon decided to terminate its relationship with Scali due to administrative errors Nikon said the agency committed.





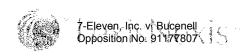


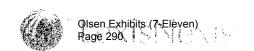


TAKING THEIR BOWS. Advertising Women of New York selected Penny Hawkey, president/executive creative director at The Bloom Agency, and Caroline Jones, president of Caroline Jones Advertising, advertising women of the year . . . Steven A. Novick was promoted to co-creative director of Grey Advertising's New York operations . . . Mark Seifert joined Wells, Rich, Greene as senior vice president of new business.

GRAPHIC: Photos-1) The success of 'women's pictures' such as 'Postcards from the Edge' surprised Hollywood. 2) Neil Kraft

ANNE THOMPSON (62%); STEVE FRANKFURT (55%);







## FOCUS - 17 OF 63 STORIES

### The Associated Press

The materials in the AP file were compiled by The Associated Press. These materials may not be republished without the express written consent of The Associated Press.

September 16, 1994, Friday, BC cycle

SECTION: Entertainment News

LENGTH: 494 words

BYLINE: By The Associated Press

### BODY:

... for the nation's most popular videos as they appear in next week's issue of Billboard magazine. Reprinted with permission:

### VIDEO SALES

Copyright 1994, Billboard Publications Inc.

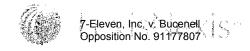
- 1. "Beethoven's 2nd, " (MCA-Universal)
- ... Serial Mom," (HBO)
- 16. "Major League II, " (Warner)
- 17. "Ace Ventura: Pet Detective," (Warner)
- 18. "Reality Bites," (MCA-Universal)
- 19. "Greedy, " (MCA-Universal)
- 20. "Like Water For Chocolate," (Touchstone)

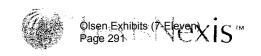
## MUSIC VIDEO SALES

Copyright 1994, Billboard Publications Inc.

- 1. "The 3 Tenors in Concert 1994," (AVision)
- 2. "Live at the ...

SUBJECT: WKD-Best Sellers-Video ENTERTAINMENT & ARTS (90%); VIDEO SALES & RENTALS (90%); CELEBRITIES (78%); ENTERTAINMENT INDUSTRY (75%); MUSIC INDUSTRY (75%); MEDIA INDUSTRIES (73%); VIDEO INDUSTRY ( ...







## FOCUS - 28 OF 63 STORIES

## The Associated Press

The materials in the AP file were compiled by The Associated Press. These materials may not be republished without the express written consent of The Associated Press.

July 29, 1994, Friday, BC cycle

SECTION: Entertainment News

LENGTH: 471 words

BYLINE: By The Associated Press

### BODY:

... for the nation's most popular videos as they appear in next week's issue of Billboard magazine. Reprinted with permission:

### VIDEO SALES

Copyright 1994, Billboard Publications Inc.

- 1. "Ace Ventura: Pet Detective, " (Warner)
- ... Up There, " (Hollywood)
- 14."Romeo Is Bleeding," (PolyGram)
- 15. "Mrs. Doubtfire, " (Fox)
- 16. "Malice, " (Columbia TriStar)
- 17. "Reality Bites," (MCA-Universal)
- 18. "Blink, " (Columbia TriStar)
- 19. "Rudy," (Columbia TriStar)
- 20. "The Three Musketeers," (Disney)

## KID VIDEO SALES

Copyright 1994, Billboard Publications Inc.

- 1. "The Return of Jafar, " (Disney)
- 2. "Aladdin, " (Disney)

-Eleven, Inc. v. Bucenell Opposition No. 91177807

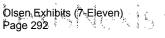
3. "Batman: Mask of the ...

SUBJECT: WKD-Best Sellers-Video VIDEO SALES & RENTALS (90%); NETWORK

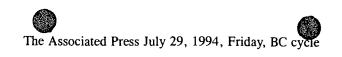












TELEVISION (76%);







## FOCUS - 52 OF 63 STORIES

# Copyright 1994 BPI Communications, Inc. The Hollywood Reporter

March 1, 1994, Tuesday

LENGTH: 368 words

HEADLINE: Dose of 'Sugar' on top

BYLINE: Doris Toumarkine

DATELINE: NEW YORK

### BODY:

... Still potent in its second week, Warner Bros.' "On Deadly Ground" took second place with a \$ 561,195 **gross** at 115 theaters for \$ 4,880 per screen.

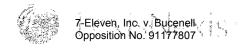
... Vista's "Blank Check" cashed out at \$390,587\$ on 100 screens for a \$3,906 average.

Universal's "Reality Bites" also rose in its second week to No. 5 with a \$ 386,798 gross on 65 screens for \$ 5,951 per situation.

Moving up to sixth place was Universal's "Schindler's List," logging a \$ 293,544 **gross** and \$ 5,242 average in 56 situations.

TriStar's "Philadelphia" dropped to No. 7 with \$ 290,218 in 101 runs for \$ ...









### FOCUS - 54 OF 63 STORIES

# Copyright 1994 BPI Communications, Inc. BPI Entertainment News Wire

February 24, 1994, Thursday

LENGTH: 269 words

HEADLINE: Seagal on solid ground at box office; Entertainment News Wire

#### BODY:

... million for a weekend," said Columbia distribution president Jeff Blake. "You've not only got good grosses on top, but they go much deeper. There is something for everybody out there - action films, kids films, Academy ...

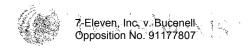
... films."

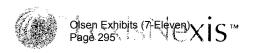
Also opening over the weekend were the Nick Nolte hoops drama "Blue Chips" (\$10.1 million) and the twentysomething slice of life "Reality Bites" (\$6 million).

Following are the top 10 movies for the weekend of Feb. 18-21, their distributors, weekend **grosses** and total **grosses**.

- 1. "On Deadly Ground," Warner Bros., \$12.7 million, \$12.7 million
- 2. "Ace Ventura: Pet Detective," ...
  - ... Paramount, \$10.1 million, \$10.1 million
- 4. "Blank Check," Buena Vista, \$6.3 million, \$12.9 million
- 5. "Reality Bites," Universal, \$6.0 million, \$6.0 million
- 6. "Schindler's List," Universal, \$4.9 million, \$42.1 million
- 7. "My ...









### FOCUS - 57 OF 63 STORIES

#### The Associated Press

The materials in the AP file were compiled by The Associated Press. These materials may not be republished without the express written consent of The Associated Press.

February 23, 1994, Wednesday, PM cycle

SECTION: Domestic News

LENGTH: 600 words

HEADLINE: 'On Deadly Ground' Leads at Box Office Through Holiday Weekend

DATELINE: LOS ANGELES

#### BODY:

... Ventura: Pet Detective" nipped at its heels.

Also in the top five were two more new films, "Blue Chips" and "Reality Bites," according to four-day figures released Tuesday by Exhibitor Relations Co.

"On Deadly Ground," featuring Steven ...

... third place with \$ 10.1 million, followed by "Blank Check," which did \$ 6.3 million in business from Friday through Monday.

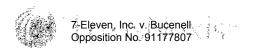
"Reality Bites," a romantic comedy with Winona Ryder, Ethan Hawke and Ben Stiller, opened at No. 5 with ticket <u>sales</u> of \$ 6 million.

Rounding out the top 10 were "Schindler's List," "My Girl 2," "Mrs. Doubtfire," "My Father The Hero" and "Philadelphia."

Here is a list of the weekend's top 20 films with weekend <u>gross</u>, number of North American theater locations, average per location, total <u>gross</u> and number of weeks in release.

Figures are based on actual receipts and projections where actual figures were unavailable.

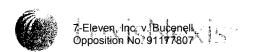
- 1. "On ...
- ... Blank Check," Disney, \$ 6.3 million, 1,732 locations, \$ 3,630 per location, \$ 12.9 million, two weeks.
- 5. "Reality Bites," Universal, \$ 6 million, 1,149 locations, \$ 5,225 per location, \$ 6 million, one week.
  - 6. "Schindler's List," ...







SUBJECT: Box Office TICKET SALES (90%); ENTERTAINMENT INDUSTRY (90%); MOVIE INDUSTRY (90%); HOLIDAYS & OBSERVANCES (75%); SPORTS (54%); BASKETBALL (54%); COLLEGE ...







## FOCUS - 58 OF 63 STORIES

## Copyright 1994 BPI Communications, Inc. BPI Entertainment News Wire

February 23, 1994, Wednesday

LENGTH: 269 words

HEADLINE: Seagal on solid ground at box office; Entertainment News Wire

#### BODY:

... million for a weekend, " said Columbia distribution president Jeff Blake. "You've not only got good grosses on top, but they go much deeper. There is something for everybody out there - action films, kids films, Academy ...

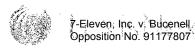
... films."

Also opening over the weekend were the Nick Nolte hoops drama "Blue Chips" (\$10.1 million) and the twentysomething slice of life "Reality Bites" (\$6 million).

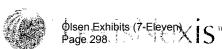
Following are the top 10 movies for the weekend of Feb. 18-21, their distributors, weekend grosses and total grosses.

- 1. "On Deadly Ground," Warner Bros., \$12.7 million, \$12.7 million
- 2. "Ace Ventura: Pet Detective," ...
  - ... Paramount, \$10.1 million, \$10.1 million
- 4. "Blank Check," Buena Vista, \$6.3 million, \$12.9 million
- 5. "Reality Bites," Universal, \$6.0 million, \$6.0 million
- 6. "Schindler's List," Universal, \$4.9 million, \$42.1 million
- 7. "My ...





-Eleven, Inc. v∴Bucenell∠





## FOCUS - 59 OF 63 STORIES

# Copyright 1994 Daily Variety Ltd. All Rights Reserved

Daily Variety

February 23, 1994 Wednesday

SECTION: NEWS; Pg. 1

LENGTH: 519 words

HEADLINE: 'Ground' slips, Monday slows

BYLINE: LEONARD KLADY

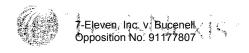
### BODY:

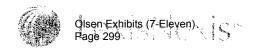
... latter factor hasn't had much of an effect on "Ace," which surprisingly is quickly headed toward a \$ 60 million **gross** and has greatly increased actor Jim Carrey's stock.

In addition to the commercial jitters surrounding the first two new outings, there's palpable sweating for Universal's "Reality Bites." The first significant serio-comedy of Generation X also opened well in fifth, with \$ 6,003,525 and a \$ 5,225 average. It's the ...

SUBJECT: TICKET <u>SALES</u> (77%); HOLIDAYS & OBSERVANCES (77%); MARKETS (50%); GENERATION X (50%);









## FOCUS - 60 OF 63 STORIES

## The Associated Press

The materials in the AP file were compiled by The Associated Press. These materials may not be republished without the express written consent of The Associated Press.

February 22, 1994, Tuesday, AM cycle

SECTION: Domestic News

LENGTH: 629 words

HEADLINE: 'On Deadly Ground' Leads Box Office Through Holiday Weekend

DATELINE: LOS ANGELES

#### BODY:

 $\dots$  office over the long Presidents Day weekend with receipts of \$ 12.7 million.

Two other new films, "Blue Chips" and "Reality Bites," also finished in the top five, according to four-day figures released Tuesday by Exhibitor Relations Co. Inc.

и ...

 $\dots$  In fourth place was Disney's "Blank Check," which did \$ 6.3 million in business from Friday through Monday.

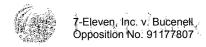
The romantic comedy "Reality Bites," starring Winona Ryder, Ethan Hawke and Ben Stiller, opened at No. 5 with ticket sales of \$ 6 million.

Rounding out the top 10 were "Schindler's List," "My Girl 2," "Mrs. Doubtfire," "My Father The Hero" and "Philadelphia."

Here is a list of the weekend's top 20 films, according to Exhibitor Relations Co., with weekend **gross**, number of North American theater locations, average per location, total **gross** and number of weeks in release.

Figures are based on actual receipts and projections where actual figures were not available.

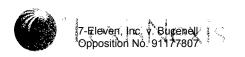
- 1. " ...
- ... Blank Check, "Disney, \$ 6.3 million, 1,732 locations, \$ 3,630 per location, \$ 12.9 million, two weeks.
- 5. "Reality Bites," Universal, \$ 6 million, 1,149 locations, \$ 5,225 per location, \$ 6 million, one week.
  - 6. "Schindler's List," ...







SUBJECT: Box Office TICKET SALES (90%); HOLIDAYS & OBSERVANCES (90%); ENTERTAINMENT INDUSTRY (90%); MOVIE INDUSTRY (90%); SPORTS (68%); BASKETBALL (68%); COLLEGE ...







## FOCUS - 61 OF 63 STORIES

Copyright 1994 BPI Communications, Inc.
BPI Entertainment News Wire

February 22, 1994, Tuesday

LENGTH: 320 words

HEADLINE: Seagal's 'On Deadly Ground' opens as No.1 film

BYLINE: By DUANE BYRGE, The Hollywood Reporter

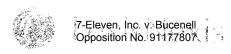
BODY:

Two other new films, Paramount's "Blue Chips" and Universal's "Reality Bites," made solid showings, finishing third and fourth, respectively. "Blue Chips" helped the box office rebound from last weekend's cold spell with a \$10.1 million estimated opening, while "Reality Bites" took in about \$6.5 million.

Overall,  $\underline{\tt sales}$  at the box office were estimated at \$85 million for the four-day weekend, up approximately 10 percent from ...

... million for a weekend," said Columbia distribution president Jeff Blake. "You've not only got good **grosses** on top, but they go much deeper. There is something for everybody out there - action films, kids films, Academy ...

SUBJECT: BC-BPI-BOXOFFICE TICKET SALES (90%); CELEBRITIES (90%); HOLIDAYS & OBSERVANCES (90%); AWARDS & PRIZES (73%);







### FOCUS - 9 OF 13 STORIES

# Copyright 1989 Toronto Star Newspapers, Ltd. The Toronto Star

May 17, 1989, Wednesday, ONT

SECTION: ENTERTAINMENT; Pg. C6

LENGTH: 434 words

HEADLINE: Pryor-Wilder combo a winner

BYLINE: (AP)

DATELINE: HOLLYWOOD

### BODY:

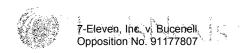
... Profumo affair that rocked Britain in 1963, moved into wider release and placed seventh with a \$1.22 million weekend **gross**. Michael Keaton's The Dream Team was eighth with \$1.15 million.

In ninth was  $\underline{Say\ Anything}$  with \$1.11 million, and Criminal Law rounded out the Top 10 with \$1 million.

Here are the top movies for the weekend as tallied by Exhibitor Relations, with, weekend **gross**, number of theater screens, average per screen, total gross and number of weeks in release.

1. See No ...









## FOCUS - 10 OF 13 STORIES

## The Associated Press

The materials in the AP file were compiled by The Associated Press. These materials may not be republished without the express written consent of The Associated Press.

May 15, 1989, Monday, AM cycle

SECTION: Domestic News

LENGTH: 433 words

HEADLINE: 'See No Evil' Tops Weekend Box Office

BYLINE: By JEFF WILSON, Associated Press Writer

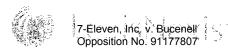
DATELINE: HOLLYWOOD

#### BODY:

... Profumo affair that rocked Britain in 1963, moved into wider release and placed seventh with a \$\$1.22 million weekend **gross.** Michael Keaton's "The Dream Team" was eighth with \$\$1.15 million.

In ninth was "Say Anything" with \$\$1.11 million, and "Criminal Law" rounded out the Top 10 with \$\$1 million.

Here are the top movies for the weekend as tallied  $\dots$ 







## FOCUS - 11 OF 13 STORIES

Copyright 1989 U.P.I.

April 25, 1989, Tuesday, BC cycle

SECTION: Domestic News

LENGTH: 577 words

HEADLINE: 'Pet Sematary' buries competition at box office

BYLINE: By VERNON SCOTT, UPI Hollywood Reporter

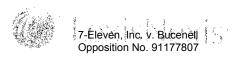
DATELINE: HOLLYWOOD

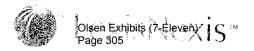
#### BODY:

... couple of young lovers, sensitively written by Cameron Crowe, who also wrote ''Fast Times at Ridgemont High.''

''Say Anything'' captured \$3.8 million on 1,113 screens for a two-week gross of \$9 million.

''The Dream Team,'' an off-beat comedy about a quartet of loonies on the loose in ...







# FOCUS - 12 OF 13 STORIES

## The Associated Press

The materials in the AP file were compiled by The Associated Press. These materials may not be republished without the express written consent of The Associated Press.

April 18, 1989, Tuesday, PM cycle

SECTION: Domestic News

LENGTH: 461 words

HEADLINE: 'Major League' Still In First Place

DATELINE: HOLLYWOOD

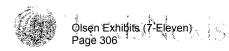
### BODY:

... Cleveland Indians, earned more than \$\$7\$ million last weekend to remain in first place in box office  $\underline{\text{revenue}}$ .

Next was "The Dream Team," which earned \$\$4.3 million for its second week of release.

In third and fourth place were "<u>Say Anything</u>" and "She's Out Of Control," - both about youngwomen, their suitors, and concerned fathers. Both also star the daughters of former pop stars.







## FOCUS - 2 OF 134 STORIES

# Copyright 1999 BPI Communications, Inc. The Hollywood Reporter

November 09, 1999

LENGTH: 572 words

HEADLINE: Microsoft and Telekom go online

DATELINE: BERLIN

### BODY:

... finance executive Brent Baum in October 1998. As a producer, Stabler's credits include the \$250 million grosser "<u>Dumb & Dumber"</u> and "Threesome," a \$3 million film that has had worldwide <u>revenue</u> of \$55 million.

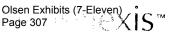
\_ Dana Harris

Intermedia & USA attached to Winslet film

USA Films will team with Intermedia Films to ...







# FOCUS - 3 OF 134 STORIES

# Copyright 1999 BPI Communications, Inc. The Hollywood Reporter

November 08, 1999

LENGTH: 468 words

HEADLINE: Destination's Stabler leaves

top post behind

BYLINE: Dana Harris

BODY:

... charge of marketing, distribution and production for Orion Pictures.

As a producer, Stabler's credits include the \$250 million grosser " $\underline{Dumb}$  &  $\underline{Dumber}$ " and "Threesome," a \$3 million film that has had worldwide  $\underline{revenue}$  of \$55 million. Other credits include "Kingpin," "8 Heads in a Duffel Bag," "Beverly Hills Ninja," "The ...



## FOCUS - 8 OF 134 STORIES

Copyright 1998 BPI Communications, Inc.
The Hollywood Reporter

October 20, 1998

LENGTH: 479 words

HEADLINE: A new Destination for pics Stabler, Baum find unique backing for full-service company

#### BODY:

 $\dots$  will also release the Minnie Driver starrer "Beautiful," directed by Sally Field.

Stabler produced the \$250 million grosser "Dumb & Dumber" and recently made "Threesome," a \$3 million film that has had worldwide revenue of \$55 million.

Through MPCA, Stabler produced and distributed some 70 pictures.

Baum, a member of DreamWorks' start- ...





## FOCUS - 9 OF 134 STORIES

# Copyright 1998 BPI Communications, Inc. The Hollywood Reporter

October 15, 1998

LENGTH: 912 words

HEADLINE: Stabler, Baum providing new Destination for pics

BYLINE: Stephen Galloway and Jeffrey Daniels

### BODY:

 $\dots$  artist-friendly alternative that can move quickly and get films made and to the public."

Stabler produced the \$250 million grosser "<u>Dumb & Dumber"</u> and recently made "Threesome," a \$3 million film that has had worldwide <u>revenue</u> of \$55 million.

Through MPCA, Stabler produced and distributed some 70 pictures. In 1995, he and Krevoy sold the company to ...





## FOCUS - 32 OF 134 STORIES

Copyright 1996 Information Access Company,
a Thomson Corporation Company;
ASAP
Copyright 1996 TV Trade Media Inc.
Video Age International

May, 1996

SECTION: No. 4, Vol. 16; Pg. 1; ISSN: 0278-5013

IAC-ACC-NO: 18924412

LENGTH: 1288 words

HEADLINE: Brazil: in top ten in U.S. theatrical biz; includes related article on

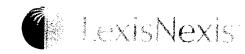
product licensing in Latin America; Industry Overview

BYLINE: Stanford, Suzanne

BODY:

... in the millions of dollars."

Broad physical comedy and fantasy seem to lead the pack in terms of what Brazilians want to see. <u>Dumb and Dumber</u>, The Mask and Casper all exceeded the \$ 10 million mark at the box office. <u>Dumb and Dumber</u> had 2.9 million ticket <u>sales</u>, The Mask garnered 2.4 million admissions and Casper sold 2.3 million tickets.





## FOCUS - 36 OF 134 STORIES

# Copyright 1996 BPI Communications, Inc. The Hollywood Reporter

April 11, 1996

LENGTH: 464 words

BODY:

... division manager. The promotions come in recognition of New Line's boxoffice success over the past two years with releases such as ''<u>Dumb and Dumber</u>,'' ''Seven,'' ''Mortal Kombat,'' ''The Mask'' and ''Friday,'' all of which have generated more than \$300 in boxoffice <u>sales</u>. ''We have one of the most dedicated and aggressive <u>sales</u> and distribution teams in the industry,'' said Al Shapiro, senior executive vp general sales manager of New Line ...





FOCUS - 35 OF 134 STORIES

Copyright 1996 Reed Elsevier Inc.

Daily Variety

April 11, 1996 Thursday

SECTION: NEWS; Pg. 3

LENGTH: 77 words

HEADLINE: New Line boosts quintet of exex

BYLINE: Dan Cox

### BODY:

... Huneryager was bumped to veepee and central division manager. All five report to Al Shapiro, senior exec veepee and general <u>sales</u> manager.

The promotions come in response to two years in which "Seven,""<a href="Dumber," Dumber," Dumber," and "Mortal Kombat" helped generate more than \$ 300 million in grosses.</a>



### FOCUS - 132 OF 134 STORIES

## The Associated Press

The materials in the AP file were compiled by The Associated Press. These materials may not be republished without the express written consent of The Associated Press.

December 18, 1994, Sunday, AM cycle

SECTION: Domestic News

LENGTH: 135 words

HEADLINE: 'Dumb and Dumber' Takes Number One Position in Debut

DATELINE: LOS ANGELES

#### BODY:

The figures were based on industry estimates of ticket  $\underline{sales}$  Friday through Sunday. Final figures will be released Monday.

The top 10 films were:

- 1. "Dumb and Dumber," \$ 16.2 million.
- 2. "The Santa Clause," \$ 8.2 million.
- 3. "Disclosure," \$ 7.3 million.
- 4. "Speechless," \$ 4.7 million.

. .



### FOCUS - 130 OF 134 STORIES

# Copyright 1994 Boston Herald Inc. The Boston Herald

December 19, 1994 Monday SECOND EDITION

SECTION: ARTS & LIFE; Pg. 030

LENGTH: 208 words

HEADLINE: Arts . . .

BODY:

... 492-2914. - MARY JO PALUMBO

TOP FILMS

The weekend's top 10 films, based on estimated ticket  $\underline{sales}$  Friday through Sunday, were:

- 1. "Dumb and Dumber," \$ 16.2 million.
- 2. "The Santa Clause," \$ 8.2 million.
- 3. "Disclosure," \$ 7.3 million.
- 4. "Speechless," \$ 4.7 million.

. .



#### FOCUS - 129 OF 134 STORIES

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The Vancouver Sun

December 20, 1994, Tuesday, FINAL EDITION

SECTION: ENTERTAINMENT; COLUMN ONE; Pg. C4

LENGTH: 729 words

HEADLINE: COLUMN ONE

BYLINE: VANSUN; REUTER; ASSOCIATED PRESS

BODY:

... home.

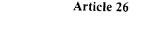
BOX OFFICE

LOS ANGELES -- Maybe Jim Carrey and Jeff Daniels aren't so stupid after all. <u>Dumb and Dumber</u> topped the box office in its debut weekend with an estimated \$ 16.2 million US in ticket <u>sales</u>, industry sources said.

The Santa Clause was in second place with \$ 8.2 million, followed by Disclosure with \$ 7.3 million, the sources said Sunday.

The figures are based on industry estimates of North American ticket  $\underline{\mathtt{sales}}$  Friday through Sunday. Final figures were to be released today.

- 1. <u>Dumb and Dumber</u>, \$ 16.2 million.
- 2. The Santa Clause, \$ 8.2 million.
- 3. Disclosure, \$ 7.3 million.
- 4. Speechless, \$ 4.7 million.



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### FOCUS - 128 OF 134 STORIES

#### The Associated Press

The materials in the AP file were compiled by The Associated Press. These materials may not be republished without the express written consent of The Associated Press.

December 20, 1994, Tuesday, PM cycle

SECTION: Domestic News

LENGTH: 549 words

HEADLINE: 'Dumb and Dumber' Defeats 'Speechless' in Box-Office Landslide

BYLINE: By JOHN HORN, AP Entertainment Writer

DATELINE: LOS ANGELES

#### BODY:

The slapstick comedy "<u>Dumb and Dumber"</u> was the most popular movie over the weekend with a debut gross of \$ 16.4 million, while the political comedy "Speechless" opened to poor reviews and ticket <u>sales</u>.

"The Santa Clause" passed the \$ 100 million mark and "Disclosure" played modestly well in its second week of release. "The Santa ...





### FOCUS - 121 OF 134 STORIES

#### The Associated Press

The materials in the AP file were compiled by The Associated Press. These materials may not be republished without the express written consent of The Associated Press.

January 2, 1995, Monday, AM cycle

SECTION: Domestic News

LENGTH: 137 words

HEADLINE: 'Dumb and Dumber' Holiday Box Office Winner

DATELINE: LOS ANGELES

#### BODY:

Disney's "The Jungle Book" was third with \$ 9.5 million.

The figures are estimates of ticket <u>sales</u> for Friday through Monday. Final figures will be released Tuesday.

- 1. "Dumb and Dumber," \$ 15.5 million.
- 2. "Disclosure," \$ 12.1 million.
- 3. "The Jungle Book," \$ 9.5 million.
- 4. "Richie Rich," \$ 8.8 ...



#### FOCUS - 119 OF 134 STORIES

Copyright 1995 Bergen Record Corp.

The Record

January 3, 1995; TUESDAY; ALL EDITIONS

SECTION: LIFESTYLE / ENTERTAINMENT; Pg. C06

LENGTH: 142 words

HEADLINE: DUMB AND DUMBER HOLIDAY BRIGHT SPOT

BYLINE: The Associated Press

#### BODY:

Disney's "The Jungle Book" was third with \$ 9.5 million.

The figures are estimates of ticket sales for Friday through Monday.

Final figures will be released Tuesday.

- 1. "Dumb and Dumber," \$ 15.5 million.
- 2. "Disclosure," \$ 12.1 million.
- 3. "The Jungle Book," \$ 9.5 million.
- 4. "Richie Rich," \$ 8.8 ...





#### FOCUS - 118 OF 134 STORIES

# Copyright 1995 Orange County Register THE ORANGE COUNTY REGISTER

January 3, 1995 Tuesday MORNING EDITION

SECTION: SHOW; Pg. F03

LENGTH: 432 words

HEADLINE: NEWS BITES

BYLINE: From Register news services

## BODY:

The figures are estimates of ticket <u>sales</u> for Friday through Monday. Final figures will be released today.

- 1. <u>DUMB AND DUMBER</u>, \$ 15.5 million
- 2. DISCLOSURE, \$ 12.1 million
- 3. THE JUNGLE BOOK, \$ 9.5 million
- 4. RICHIE RICH, \$ 8.8 ...

## FOCUS - 117 OF 134 STORIES

# Copyright 1995 Newsday, Inc. Newsday

January 3, 1995, Tuesday, NASSAU AND SUFFOLK EDITION

SECTION: PART II; Pq. B07

LENGTH: 194 words

HEADLINE: 'Dumb' Luck Hits Theaters Again

## BODY:

... Rich" was in fourth place with \$ 8.8 million, edging out "Little Women," which had \$ 8.6 million.

The figures are estimates of ticket  $\underline{sales}$  for Friday through yesterday. The final figures will be released today.

## THE WEEKEND STANDING

1.	DUMB AND DUMBER	\$ 15.5 million
2.	DISCLOSURE	\$ 12.1 million
3.	THE JUNGLE BOOK	\$ 9.5 million
4.	RICHIE RICH	\$ 8.8





#### FOCUS - 115 OF 134 STORIES

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The Vancouver Sun

January 4, 1995, Wednesday, FINAL EDITION

SECTION: ENTERTAINMENT; COLUMN ONE; Pg. C3

LENGTH: 809 words

HEADLINE: COLUMN ONE

BYLINE: MICHAEL SCOTT; VANSUN

BODY:

... since New Year's Day fell on the weekend.

The animated musical narrowly defeated Forrest Gump, which reported total sales of \$ 298.5 million.

This past weekend's box office tally was as follows:

- 1. <u>Dumb and Dumber</u>, \$ 14.9 million.
- 2. Disclosure, \$ 11.7 million.
- 3. Rudyard Kipling's The Jungle Book, \$ 10.1 million.
- 4. Little ...





## FOCUS - 111 OF 134 STORIES

#### The Associated Press

The materials in the AP file were compiled by The Associated Press. These materials may not be republished without the express written consent of The Associated Press.

January 8, 1995, Sunday, AM cycle

SECTION: Domestic News

LENGTH: 169 words

HEADLINE: 'Dumb and Dumber' Hangs On to Box-Office Lead

DATELINE: LOS ANGELES

#### BODY:

... in third place with \$ 6 million. "Little Women" was fourth with \$ 5.1 million.

The figures are based on estimates of ticket <u>sales</u> Friday through Sunday. Final figures will be released Monday.

- 1. "Dumb and Dumber," \$ 9.2 million.
- 2. "Disclosure," \$ 7.3 million.
- 3. "Houseguest," \$ 6 million.
- 4. "Little Women," \$ 5.1 million.

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#### FOCUS - 110 OF 134 STORIES

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The Vancouver Sun

January 9, 1995, Monday, FINAL EDITION

SECTION: ENTERTAINMENT; COLUMN ONE; Pg. C1

LENGTH: 543 words

HEADLINE: COLUMN ONE

BYLINE: AP/ LOS ANGELES DAILY NEWS

DATELINE: LOS ANGELES

#### BODY:

... in third place with \$ 6 million. Little Women was fourth with \$ 5.1 million.

The figures are based on estimates of ticket sales Friday through Sunday.

- 1. <u>Dumb and Dumber</u>, \$ 9.2 million.
- 2. Disclosure, \$ 7.3 million.
- 3. Houseguest, \$ 6 million.
- 4. Little Women, \$ 5.1 million.

. .

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## FOCUS - 109 OF 134 STORIES

Copyright 1995 Boston Herald Inc.
The Boston Herald

January 9, 1995 Monday SECOND EDITION

SECTION: ARTS & LIFE; Pg. 030

LENGTH: 287 words

HEADLINE: ARTS

BODY:

... in a row, industry sources said yesterday.

The weekend's top-grossing films, based on estimated ticket  $\underline{sales}$  Friday through yesterday, are:

- 1. "Dumb and Dumber," \$ 9.2 million.
- 2. "Disclosure," \$ 7.3 million.
- 3. "Houseguest," \$ 6 million.
- 4. "Little Women," \$ 5.1 million.

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## FOCUS - 108 OF 134 STORIES

#### The Associated Press

The materials in the AP file were compiled by The Associated Press. These materials may not be republished without the express written consent of The Associated Press.

January 9, 1995, Monday, PM cycle

SECTION: Domestic News

LENGTH: 156 words

HEADLINE: 'Dumb and Dumber' Hangs On to Box Office Lead

DATELINE: LOS ANGELES

#### BODY:

"<u>Dumb and Dumber</u>" led all other movies in North American theaters over the weekend with an estimated \$ 9.2 million in ticket <u>sales</u>, industry sources said.

The New Line Cinema release, starring Jim Carrey and Jeff Daniels, has been No. 1 since its ...

... in third place with \$ 6 million.

"Little Women" was fourth with \$ 5.1 million.

The figures were based on estimates of ticket <u>sales</u> Friday through Sunday. Final figures were to be released today.

- 1. "Dumb and Dumber," \$ 9.2 million.
- 2. "Disclosure," \$ 7.3 million.
- 3. "Houseguest," \$ 6 million.
- 4. "Little Women," \$ 5.1 million.







## FOCUS - 106 OF 134 STORIES

#### The Associated Press

The materials in the AP file were compiled by The Associated Press. These materials may not be republished without the express written consent of The Associated Press.

January 23, 1995, Monday, PM cycle

SECTION: Domestic News

LENGTH: 158 words

HEADLINE: 'Legends of the Fall' No. 1 at the Box Office

DATELINE: LOS ANGELES

BODY:

"Legends of the Fall" topped the weekend box office with \$ 9 million in ticket <a href="mailto:sales">sales</a>, followed by "Higher Learning" and "<a href="mailto:Dumber."</a>

"Higher Learning" had an estimated take of \$ 6.5 million at North American theaters while "<u>Dumb and Dumber"</u> was third with \$ 6 million, according to estimates from industry sources Sunday.



## FOCUS - 98 OF 134 STORIES

Copyright 1995 Boston Herald Inc. The Boston Herald

January 30, 1995 Monday SECOND EDITION

SECTION: ARTS & LIFE; Pg. 028

LENGTH: 532 words

HEADLINE: ARTS; LIFESTYLE

## BODY:

... consecutive weekend atop the list of the nation's top moneymaking movies. The top 10 from Friday through Sunday, with estimated ticket sales: 1. "Legends of the Fall, " \$ 6.6 million; 2. "Highlander The Final Dimension," \$ 5.7 million; 3. "Dumb and Dumber," \$ 4.6 million; 4. "Nobody's Fool," \$ 4.3 million; 5. "Higher Learning," \$ 3.6 million; 6. "Murder in the ...

## FOCUS - 99 OF 134 STORIES

# Copyright 1995 Globe Newspaper Company The Boston Globe

January 30, 1995, Monday, City Edition

SECTION: LIVING; Pg. 31

LENGTH: 939 words

HEADLINE: He acts a good game;

NAMES & FACES Material from wire services and other sources was used in this

column.

BYLINE: By Susan Bickelhaupt, Globe Staff

#### BODY:

... 6.6 million, according to preliminary estimates of ticket sales Friday through yesterday. Final figures for box office <u>sales</u> will be released today. Next in order were "Highlander: The Final Dimension," \$ 5.7 million; "<u>Dumb and Dumber</u>," \$ 4.6 million; "Nobody's Fool," \$ 4.3 million; "Higher Learning," \$ 3.6 million; "Murder in the First," \$ 3.4 million; "...

#### FOCUS - 100 OF 134 STORIES

# Copyright 1995 BPI Communications, Inc. BPI Entertainment News Wire

January 30, 1995, Monday

LENGTH: 341 words

HEADLINE: Box office takes Super hit

BYLINE: By KIRK HONEYCUTT, The Hollywood Reporter

## BODY:

... in an

estimated \$5.6 million. The film was released by Miramax's Dimension Films, its first release since "The Crow." "Dumb and Dumber" was in third place with about \$4.6 million. The popular comedy passed \$100 million in ticket sales on Friday evening and has now taken in about \$104 million.

"Nobody's Fool" finished in fourth with about \$ ...



#### FOCUS - 102 OF 134 STORIES

# Copyright 1995 BPI Communications, Inc. The Hollywood Reporter

January 30, 1995, Monday

LENGTH: 688 words

HEADLINE: Bowled-over boxoffice is thrown for a 60 percent loss

BYLINE: Kirk Honeycutt

BODY:

... per screen.

The film was released by Miramax's Dimension Films, its first release since "The Crow."

New Line Cinema's "<u>Dumb and Dumber"</u> sailed past \$ 100 million in ticket <u>sales</u> on Friday evening. Taking in approximately \$ 4.6 million over the weekend to finish No. 3 in 2,391 ...

FOCUS - 103 OF 134 STORIES

# Copyright 1995 Orange County Register THE ORANGE COUNTY REGISTER

January 30, 1995 Monday MORNING EDITION

SECTION: SHOW; Pg. F03

LENGTH: 388 words

HEADLINE: NEWS BITE;

'Legends' doesn't fall from top spot at the box office

BYLINE: From staff and news-service reports

#### BODY:

Final figures for box office sales will be released Monday.

- 1. LEGENDS OF THE FALL, \$ 6.6 million
- 2. HIGHLANDER: THE FINAL DIMENSION, \$ 5.7 million
- 3. DUMB AND DUMBER, \$ 4.6 million
- 4. NOBODY'S FOOL, \$ 4.3 million
- 5. HIGHER LEARNING, " \$ 3.6 million
- 6. MURDER IN THE ...

FOCUS - 104 OF 134 STORIES

Copyright 1995 Bergen Record Corp.
The Record

January 30, 1995; MONDAY; ALL EDITIONS

SECTION: LIFESTYLE / ENTERTAINMENT; Pg. B13

LENGTH: 332 words

HEADLINE: FALL STAYS ATOP SLUGGISH BOX OFFICE

BODY:

... in an estimated \$ 5.6 million.

The film was released by Miramax's Dimension Films, its first release since "The Crow." "<u>Dumb and Dumber"</u> was in third place with about \$ 4.6 million. The popular comedy passed \$ 100 million in ticket <u>sales</u> on Friday evening and has now taken in about \$ 104 million.

"Nobody's Fool" finished in fourth with about \$ ...

#### FOCUS - 105 OF 134 STORIES

#### The Associated Press

The materials in the AP file were compiled by The Associated Press. These materials may not be republished without the express written consent of The Associated Press.

January 29, 1995, Sunday, AM cycle

SECTION: Domestic News

LENGTH: 135 words

HEADLINE: 'Legends' Stays on Top of Weekend Box Office

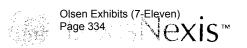
DATELINE: LOS ANGELES

#### BODY:

It was the film's third consecutive week in the lead.

Final figures for box office <a>sales</a> will be released Monday.

- 1. "Legends of the Fall," \$ 6.6 million.
- 2. "Highlander The Final Dimension," \$ 5.7 million.
- 3. "Dumb and Dumber," \$ 4.6 million.
- 4. "Nobody's Fool," \$ 4.3 million.
- 5. "Higher Learning," \$ 3.6 million.
- 6. "Murder in the ...





FOCUS - 97 OF 134 STORIES

Copyright 1995 BPI Communications, Inc. BPI Entertainment News Wire

January 31, 1995, Tuesday

LENGTH: 307 words

HEADLINE: 'Legends' bowls over box office

BODY:

... Dimension," the third in the supernatural series, opened in the No. 2 slot by taking in \$5.6 million. "Dumb and Dumber" was in third place with \$4.3 million. The popular comedy passed \$100 million in ticket sales on Friday evening and has now taken in \$103.9 million.

"Nobody's Fool" finished in fourth with \$4.1 million. " ...

**Lexis**Nexis

#### FOCUS - 87 OF 134 STORIES

# Copyright 1995 BPI Communications, Inc. The Hollywood Reporter

May 9, 1995, Tuesday

LENGTH: 554 words

HEADLINE: TBS nets \$ 22 mil in quarter;

Simpson trial coverage, 'Mask' vid sends revenue up 25 percent to \$ 710 mil

BYLINE: Jeffrey Daniels

BODY:

Turner Broadcasting System Inc., aided by CNN's O.J. Simpson trial coverage and home video <u>sales</u> from "The Mask," Monday reported first-quarter earnings of \$ 22 million.

The cable-movie conglomerate also was helped by New Line's "<u>Dumb and Dumber,"</u> which by the end of the January-March quarter had grossed about \$ 120 million. Total operating income, including results from the filmed ...

... increase from its entertainment segment came from favorable boxoffice results for new releases, which increased \$ 18 million, or 51 percent. "<u>Dumb</u> and <u>Dumber</u>," starring Jim Carey, was released in the domestic market Dec. 16.

For the news segment, <u>revenue</u> rose \$ 32 million, or 21 percent, to \$ 183.1 million from \$ 150.8 million. Operating profit was ahead 37 percent to \$ 67.4 ...



# FOCUS - 71 OF 134 STORIES

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Calgary Herald

September 14, 1995, Thursday, FINAL EDITION

SECTION: ENTERTAINMENT; Pg. C8

LENGTH: 100 words

HEADLINE: Video rentals

BYLINE: HERALD STAFF

BODY:

... Hideaway

4. Just Cause

- 5. Quick and the Dead
- 6. Man of the House
- 7. Star Trek: Generations
- 8. Dumb and Dumber
- 9. Boys on the Side
- 10. Circle of Friends

## Sales:

- 1. Star Wars Trilogy
- 2. Mortal Kombat The Journey Begins
- 3. Empire Strikes Back
- 4. Return of the ...







# FOCUS - 70 OF 134 STORIES

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Calgary Herald

September 21, 1995, Thursday, FINAL EDITION

SECTION: ENTERTAINMENT; Pg. B12

LENGTH: 100 words

HEADLINE: Video Top 10

BYLINE: HERALD STAFF

BODY:

... Death

- 4. Just Cause
- 5. Shallow Grave
- 6. Quick and the Dead
- 7. Star Trek: Generations
- 8. Dumb and Dumber
- 9. Boys on the Side
- 10. Major Payne

#### SALES

- 1. Star Wars Trilogy
- 2. Mortal Kombat -- The Journey Begins
- 3. Empire Strikes Back
- 4. Return of the ...





## FOCUS - 69 OF 134 STORIES

# Copyright 1995 BPI Communications, Inc. BPI Entertainment News Wire

September 21, 1995, Thursday

LENGTH: 2029 words

HEADLINE: BILLBOARD CHARTS ; (c) 1995, BPI Communications Inc.

#### BODY:

- ... Home Video.
- 8. "Disclosure," Warner Home Video.
- 9. "Billy Madison," MCA/Universal Home Video.
- 10. "Dumb And Dumber," New Line Home Video.

# Top Video <u>Sales</u>

(Compiled from a national sample of  $\underline{sales}$  reports)

- 1. "Playboy: The Best of Pamela Anderson," Playboy Home Video.
- 2. "Star Wars," FoxVideo.
- 3. "A ...





## FOCUS - 65 OF 134 STORIES

# Copyright 1995 Time Inc. Entertainment Weekly

September 29, 1995

SECTION: VIDEO

LENGTH: 677 words

HEADLINE: TOP VIDEOS

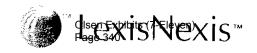
#### BODY:

		Chevy Chase, Walt Disney	6
9			
		Ben Stiller, Walt Disney	5
10	7	DUMB AND DUMBER	
		Jim Carrey, New Line	13

## TAPE SALES

1	1	STAR WARS TRILOGY			
		Harrison Ford,	FoxVideo,	\$ 49.98	3
2	2	A GOOFY MOVIE			

. . .





# FOCUS - 66 OF 134 STORIES

# Copyright 1995 News & Record (Greensboro, NC) News & Record (Greensboro, NC)

September 29, 1995, Friday, ALL EDITIONS

SECTION: WEEKEND, Pg. W10

LENGTH: 235 words

HEADLINE: TOP VIDEOS

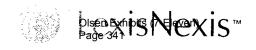
#### BODY:

- ... Fox)
- 7. ''Boys on the Side,'' (Warner)
- 8. ''Disclosure,'' (Warner)
- 9. ''Billy Madison,'' (MCA-Universal)
- 10. ''Dumb and Dumber,'' (New Line)

# KIDS' VIDEO SALES

- 1. ''Disney's Sing Along Songs: Pocahontas,'' (Disney)
- 2. ''The Swan Princess,'' (Turner)
- 3. ''The Lion King,'' (Disney)

. . .





## FOCUS - 52 OF 134 STORIES

# Copyright 1995 Newsday, Inc. Newsday

December 29, 1995, Friday, NASSAU AND SUFFOLK EDITION

SECTION: PART II/WEEKEND; Pg. B24

LENGTH: 95 words

HEADLINE: TOP RENTALS

BYLINE: SOURCE: Billboard

BODY:

... 4. Speed

5. The Client

- 6. Clear and Present Danger
- 7. When a Man Loves a Woman
- 8. Dumb and Dumber
- 9. Just Cause
- 10. Outbreak

1995's top video <u>sales</u>

- 1. The Lion King
- 2. Forrest Gump
- 3. Speed
- 4. Jurassic Park
- 5. The Mask
- 6. Playboy: The ...





## FOCUS - 49 OF 134 STORIES

Copyright 1996 The Atlanta Constitution The Atlanta Journal and Constitution

January 4, 1996, Thursday, ALL EDITIONS

SECTION: FEATURES; Pg. 05B

LENGTH: 6 words

HEADLINE: 1/4/96;

THE LATEST IN MUSIC, VIDEOS AND BOOKS;

NEW VIDEO; VIDEO REVIEWS

#### GRAPHIC:

... 4. "Speed"

- 5. "The Client"
- 6. "Clear and Present Danger"
- 7. "When a Man Loves a Woman"
- 8. "Dumb and Dumber"
- 9. "Just Cause"
- 10. "Outbreak"

TOP KIDS' SALES OF '95

- 1. "Snow White and the Seven Dwarfs"
- 2. "The Lion King"
- 3. "Aladdin"
- 4. "Disney's Sing-Along ...





#### FOCUS - 34 OF 134 STORIES

# Copyright 1996 Business Wire, Inc. Business Wire

April 15, 1996, Monday

DISTRIBUTION: Business Editors & Entertainment Writers

LENGTH: 849 words

HEADLINE: Kent Named Managing Director for TBS European Subsidiary, Turner

Broadcasting System Limited

DATELINE: ATLANTA

#### BODY:

... itself as one of the home entertainment industry's leading suppliers, with its award-winning domestic home video unit setting several <u>sales</u> records, including distribution of the best-selling comedy rental of all-time, <u>Dumb and Dumber</u>. The licensing and merchandising division has also seen phenomenal growth as the result of newly-formed partnerships with many of the world's leading consumer products ...





## FOCUS - 27 OF 134 STORIES

# Copyright 1996 The Seattle Times Company The Seattle Times

July 21, 1996, Sunday, Final Edition

SECTION: ARTS, ENTERTAINMENT; Pg. M6

LENGTH: 648 words

HEADLINE: HOME VIDEO INDUSTRY FACES MIXED BLESSINGS

BYLINE: BY DOUG THOMAS; SPECIAL TO THE SEATTLE TIMES

#### BODY:

... initially. But studios have been advertising the same videos for under \$ 20 six months after the initial release dates, and those <u>sales</u> have been booming. Turner Home Video sold 600,000 units of its hit "<u>Dumb and Dumber"</u> for full price when released last year. Five months later, they repriced and sold 2 million copies at \$ ...





#### FOCUS - 7 OF 134 STORIES

# Copyright 1998 BPI Communications, Inc. The Hollywood Reporter

November 16, 1998

LENGTH: 452 words

HEADLINE: Fox: 'Mary' in high-rent district

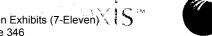
Fox believes smash comedy will break 007's vid retail record

BYLINE: Scott Hettrick

## BODY:

... crazy," said Pam Kunick-Cohen, Fox vp rental marketing. That's why movie hits among teens and young adults such as "<u>Dumb and Dumber"</u> and "Scream" have set records as rental-priced videos and why titles like "Wayne's World" have proved to be major disappointments on the <u>sale</u> shelf.

Backed by one of its largest marketing campaigns ever for a rental title  $\_$  \$2 million in cash ...





## FOCUS - 48 OF 134 STORIES

# Copyright 1996 Billboard Publications, Inc. Billboard

January 06, 1996

LENGTH: 1294 words

HEADLINE: VIDEO RETAILERS' GIDDY HOLIDAY

BYLINE: BY SETH GOLDSTEIN and EILEEN FITZPATRICK

#### BODY:

... Two" by June. Both are considered sell-through shoo-ins: "Ace Ventura" star Jim Carrey dominated the <u>sales</u> charts last year with "The Mask" and a repriced "<u>Dumb And Dumber"</u>; Mary-Kate and Ashley Olsen, who made their movie debuts in "It Takes Two," have sold hundreds of thousands of ...









# FOCUS - 83 OF 134 STORIES

Copyright 1995 Gannett Company, Inc. USA TODAY

June 23, 1995, Friday, FINAL EDITION

SECTION: LIFE; Pg. 14D

LENGTH: 691 words

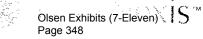
HEADLINE: Intelligently done 'Little Women';

boys play 'Dumb'

BYLINE: Mike Clark

NOTES: MOVIES ON VIDEO; REVIEWS; NEW IN STORES

SUBJECT: TOP MOVIE RENTALS:LITTLE WOMEN: <u>DUMB AND DUMBER:</u> MURDER IN THE FIRST: WELCOME STRANGER: CONONEL CHABERT: STREET FIGHTER; MOVIE; VIDEO; LIST ENTERTAINMENT INDUSTRY (90%); MOVIE INDUSTRY (90%); VIDEO <u>SALES</u> & RENTALS (78%); LAWYERS (70%); TORTURE (69%); PRISONS (61%);





## FOCUS - 79 OF 134 STORIES

# Copyright 1995 BPI Communications, Inc. BPI Entertainment News Wire

July 27, 1995, Thursday

LENGTH: 1113 words

HEADLINE: BILLBOARD CHARTS ; (c) 1995, BPI Communications Inc.

BODY:

... Know Your Name, " Alan

Jackson.

TOP COUNTRY ALBUM: "The Woman In Me," Shania Twain.

TOP VIDEO RENTAL: "Dumb And Dumber."

TOP VIDEO SALE: "Playboy: Phe Best of Pamela Anderson."

TOP KIDS VIDEO: "The Lion King."

(PROFILE

(BPI

(style:chart-multiple)

( ...





# FOCUS - 78 OF 134 STORIES

Copyright 1995 BPI Communications, Inc. BPI Entertainment News Wire

August 3, 1995, Thursday

LENGTH: 2243 words

HEADLINE: BILLBOARD CHARTS ; (c) 1995, BPI Communications Inc.

BODY:

... My Own Strength, " Lorrie

Morgan.

TOP COUNTRY ALBUM: "The Woman In Me," Shania Twain.

TOP VIDEO RENTAL: "Dumb And Dumber."

TOP VIDEO SALE: "Playboy: The Best of Pamela Anderson."

TOP MUSIC VIDEO: "Video Greatest Hits-HIStory," Michael Jackson.

(PROFILE (BPI

( ...

Article 60





## FOCUS - 73 OF 134 STORIES

Copyright 1995 The New York Times Company
The New York Times

August 21, 1995, Monday, Late Edition - Final

SECTION: Section D; Page 8; Column 1; Business/Financial Desk

LENGTH: 84 words

HEADLINE: Most Wanted;

Old and New Hits Lead the Lists

## BODY:

"Dumb and Dumber," however, slipped out of the top video rental spot after a seven-week run. In the video <u>sales</u> category, "Swan Princess" had its second week at No. 1, displacing "Forrest Gump," which has held the crown for all ...

Article 61





### FOCUS - 116 OF 134 STORIES

# Copyright 1995 The Times Mirror Company Los Angeles Times

January 3, 1995, Tuesday, Home Edition

SECTION: Calendar; Part F; Page 1; Column 6; Entertainment Desk

LENGTH: 707 words

HEADLINE: NEW YEAR BOX OFFICE STARTS OFF WITH BANG;

MOVIES: AT \$15.5 MILLION, 'DUMB' STOLE THE SHOW DURING THE LONG HOLIDAY WEEKEND.

BUT MANY OTHER MOVIES FILLED THE SEATS AS WELL.

BYLINE: By RICHARD NATALE, SPECIAL TO THE TIMES

### BODY:

... Exhibitor Relations, post-Christmas business was so good that it may wind up pushing 1994's ticket <u>sales</u> past the projected record of \$5.4 billion.

"Dumb and Dumber" was again the viewers' No. 1 choice. With \$15.5 million, Jim Carrey's third film is an unrequited smash, his third ...



## FOCUS - 13 OF 134 STORIES

Copyright 1998 Reed Elsevier Inc.

## Variety

March 2, 1998 - March 8, 1998

SECTION: SPECIAL REPORT: FOCUS: AFM UPDATE; Pg. 80

LENGTH: 3633 words

HEADLINE: Independents find money's available, for the right price

BYLINE: TOM GARVIN

### BODY:

... explosion of world markets and the growth in the value of international markets as contrasted with the North American marketplace. In many cases, the <a href="revenues">revenues</a> derived by an independent film from outside of North America will greatly exceed the <a href="revenues">revenues</a> from North America. Further, the breakout success of such independent films as "<a href="Dumb & Dumber">Dumb & Dumber"</a> and "Pulp Fiction," each of which surpassed over \$ 100 million North American box office, have whetted the appetite of film financiers and ...



## FOCUS - 51 OF 134 STORIES

### The Associated Press

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January 2, 1996, Tuesday, AM cycle

SECTION: Domestic News

LENGTH: 615 words

HEADLINE: 'Toy Story' Leads Record \$ 138.3 Million New Year's Weekend Box Office

BYLINE: By JEFF WILSON, Associated Press Writer

DATELINE: LOS ANGELES

#### BODY:

The previous four-day New Year's weekend record was \$ 107 million in 1995, when "Dumb & Dumber" and "Disclosure" were the top draws.

Weekend ticket <u>sales</u> brought the domestic box office take for 1995 to \$ 5.4 billion, slightly better than 1994's record \$ 5.2 ...

LexisNexis™

Article 64

FOCUS - 75 OF 134 STORIES

Copyright 1995 BPI Communications, Inc.
The Hollywood Reporter

August 18, 1995, Friday

LENGTH: 194 words

BYLINE: Doris Toumarkine Issuing first results since its alliance, Turner Home Entertainment and New Line Home Video announced Thursday that they dramatically increased their combined market share for the first half of 1995.

#### BODY:

... Bros., Buena Vista and MCA/Universal.

For the first six months of 1995, New Line Home Video's U.S. <u>revenues</u> total \$ 75.6 million from rental <u>sales</u> and \$ 88 million in sell-through. Fueling these figures were the successes of New Line titles "The Mask" and "<u>Dumb and Dumber"</u> and Fine Line's "Hoop Dreams."

LexisNexis

# FOCUS - 94 OF 134 STORIES

# Copyright 1995 The Financial Times Limited; Financial Times (London)

February 22, 1995, Wednesday

SECTION: International Company News; Pg. 31

LENGTH: 259 words

HEADLINE: Solid profit growth for Turner in final term

BYLINE: By LOUISE KEHOE

DATELINE: SAN FRANCISCO

### BODY:

... Broadcasting System, the US media group, reported strong growth in fourth-quarter operating profits, boosted by <u>revenues</u> from its box office hit <u>Dumb and Dumber</u> and the home video release of The Mask.

Operating profits jumped 48 per cent to Dollars 96m from Dollars 65m.

## FOCUS - 122 OF 134 STORIES

Copyright 1995 Cable News Network, Inc.
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CNN

SHOW: Showbiz Today 5:34 pm ET

January 2, 1995

Transcript # 703-2

TYPE: Show

SECTION: Entertainment

LENGTH: 653 words

HEADLINE: Dumb, Simple Protagonists Formula for Movie Success

## BODY:

... place. And the live action version of Disney's The Jungle Book came in third with about \$9.5 million in ticket <u>sales</u>. Final box office figures will be released on Tuesday.

There are quite a few people in Hollywood that are surprised that a film called <u>Dumb and Dumber</u> would be one of the hottest movies of the season, but whether it's Dumb and Dumber or Forrest Gump, films about simple heroes are a ...



FOCUS - 123 OF 134 STORIES

Copyright 1995 Cable News Network, Inc.
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CNN

SHOW: Showbiz Today 5:30 pm ET

January 2, 1995

Transcript # 703

TYPE: Show; Package

SECTION: Entertainment

LENGTH: 3671 words

HEADLINE: Box Office Sales Exceed \$5 Billion in 1995

#### BODY:

... place. And the live action version of Disney's The Jungle Book came in third with about \$9.5 million in ticket <u>sales</u>. Final box office figures will be released on Tuesday.

There are quite a few people in Hollywood that are surprised that a film called <a href="Dumb and Dumber">Dumb and Dumber</a> would be one of the hottest movies of the season, but whether it's Dumb and Dumber or Forrest Gump, films about simple heroes are a ...



FOCUS - 20 OF 134 STORIES

Copyright 1997 Reed Elsevier Inc.

Variety

January 27, 1997 - February 2, 1997

SECTION: FILM; Pg. 5

LENGTH: 647 words

HEADLINE: Indies translate in o'seas coin

BYLINE: REX WEINER

### BODY:

... weighted to reflect the membership as a whole, although all companies do not respond to the survey.

Among the films contributing to surging <u>sales</u> numbers are "To Die For,"
"Trainspotting," "Seven," "<u>Dumb and Dumber"</u> and "Michael," which stars John
Travolta. Other pics licensed during the period surveyed but not yet released include ...



## FOCUS - 22 OF 134 STORIES

Copyright 1997 BPI Communications, Inc.
The Hollywood Reporter

January 24, 1997

LENGTH: 575 words

HEADLINE: Song of indies: Exports excel

BYLINE: By Hy Hollinger The Hollywood

## BODY:

... New Zealand, India, the Middle East, Israel and South Africa. Among other indie films listed as contributing to 1996 <u>sales</u> are Rank's "To Die For," Summit's "Seven Years in Tibet," Castle Rock's "Striptease," Turner Pictures' "Michael," Miramax's "Trainspotting," New Line's "Seven" and "<u>Dumb and Dumber,</u>" and Largo's "In Pursuit of Honor." "What is particularly satisfying," said AFMA president Jonas Rosenfield, "is to see that our efforts to open markets ...

### FOCUS - 29 OF 134 STORIES

Copyright 1996 BPI Communications, Inc.
The Hollywood Reporter

July 9, 1996

LENGTH: 831 words

### BODY:

... collecting the money.'' That New Line staff and that strategy carried over to THE in January 1995 and began a year in which <u>sales</u> jumped 74% from 1994, due in large part to record <u>sales</u> for New Line and THE of two Jim Carrey movies, ''The Mask'' and ''<u>Dumb and Dumber.</u>'' ''The merger with TBS has enabled us to be even more aggressive,'' said executive vp Michael Karaffa. With such tremendous success in ...

**LexisNex** €

## FOCUS - 36 OF 46 STORIES

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CNN

SHOW: CNN LIVE THIS MORNING 09:00

August 13, 2001 Monday

Transcript # 081308CN.V74

SECTION: Entertainment

LENGTH: 1153 words

HEADLINE: "American Pie 2" Rules at Box Office

BYLINE: Daryn Kagan, Leon Harris, Michael Okwu, Paul Vercammen

## **HIGHLIGHT:**

"American Pie 2" was a big hit at the box office this weekend, pulling in more than \$45 million. The sequel to the popular 1999 ...

## BODY:

... NOT BE IN ITS FINAL FORM AND MAY BE UPDATED.

DARYN KAGAN, CNN ANCHOR: I was trying to explain what "American Pie" and "American Pie 2" is all about to Leon. He hasn't seen any either one .

... a great comparison.

KAGAN: But I like the headline in "USA Today" in their purple section today, "American Pie 2" outgrosses the competition. "Gross" being the key word there.

HARRIS: All right. Well, let's get some more on that. ...

... say there, too. A runaway teen hit was just one sequel that stole the show at the cineplex.

(BEGIN VIDEO CLIP, "AMERICAN PIE 2")

UNIDENTIFIED ACTOR: Super start to a super summer, fellas. Welcome home.

UNIDENTIFIED ACTOR: Welcome home.

(END ...









... OKWU: Who needed more popcorn? Moviegoers had a taste for more pie this weekend. The flaky teen comedy "American Pie 2" filled theaters, opening in the top spot with an estimated 45.1 million bucks in its freshman outing. That kept ...

 $\dots$  Apes" landed in fifth place, collecting an estimated \$13.3 million for the weekend.

Well, as we just said, "American Pie 2" made a lot of dough this weekend. The sequel to the 1999 hit picks up the summer after the last one left ...

... temple.

(END VIDEO CLIP)

PAUL VERCAMMEN, CNN CORRESPONDENT (voice-over): It's the site of an extra helping, "American Pie 2." All of the main characters from the first movie return.

(BEGIN VIDEO CLIP)

UNIDENTIFIED ACTOR: Amazing.

UNIDENTIFIED ACTOR: Yes. The ...

... day.

UNIDENTIFIED ACTOR: You got 22?

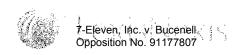
UNIDENTIFIED ACTOR: Yeah, a day.

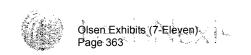
VERCAMMEN: Such half-baked fantasy fills "American Pie 2."

Paul Vercammen, CNN Entertainment News, Hollywood.

(END VIDEOTAPE)

OKWU: Coming up at 11:35 a.m. Eastern, ...







### FOCUS - 37 OF 46 STORIES

Copyright 2001 PR Newswire Association, Inc.
PR Newswire

August 13, 2001, Monday Correction Appended

SECTION: ENTERTAINMENT, TELEVISION, AND CULTURE

DISTRIBUTION: TO BUSINESS, ENTERTAINMENT AND FILM EDITORS

LENGTH: 779 words

HEADLINE: Universal Pictures Has Its Fourth Number One, \$40 Million Opening In A Row as 'American Pie 2' Grosses \$45.1 Million Its First Weekend At the Box Office, Setting A New Record for R-Rated Comedies

DATELINE: UNIVERSAL CITY, Calif., Aug. 13

### BODY:

Universal Pictures' "American Pie 2," the eagerly anticipated sequel to 1999's surprise comedy hit, served up a first place opening this past ...

... four huge openings in a row," said Nikki Rocco, president, Universal Pictures Distribution. "Reaching this point with 'American Pie 2' is especially satisfying, since we celebrated a surprise success with this team of filmmakers and cast two years ago. We knew there would be a ...

... idea every step of the way."

Universal Pictures proudly reunites the original cast of "American Pie" for the next chapter -- "American Pie 2." After a year apart -- attending different schools, meeting different people -- the guys rent a beach house and ...

... for the sequel as executive producers. Warren Zide, Craig Perry and Chris Moore are again the producers. J.B. Rogers directed "American Pie 2" from a screenplay by Herz, with a story by David H. Steinberg and Herz.

Universal Pictures is a unit of ...

CORRECTION-DATE: August 13, 2001, Monday

## CORRECTION:

In LAM092, Universal Pictures Has Its Fourth Number One, \$40 Million Opening In A Row as 'American Pie 2' Grosses \$45.1 Million Its First Weekend At the Box Office, Setting A New Record for R-Rated Comedies, moved earlier today, we are advised by the company that the sixth graph, sixth line should read "and director J.B. Rogers" rather than "and director J.B. Rodgers" as originally issued.









## FOCUS - 3 OF 46 STORIES

# Copyright 2002 BPI Communication, Inc. BPI Entertainment News Wire

February 27, 2002, Wednesday

SECTION: Entertainment News

LENGTH: 2419 words

HEADLINE: BILLBOARD CHARTS

### BODY:

... Creepers, " MGM Home Entertainment.

- 8. "Kiss Of The Dragon," FoxVideo.
- 9. "What's The Worst That Could Happen?" MGM Home Entertainment.
- 10. "American Pie 2 (Unrated), " Universal Studios Home Video.

Top Video Sales

(Compiled from a national sample of sales reports)

1. " ...

... Video.

- 4. "Hearts In Atlantis," Warner Home Video.
- 5. "Rat Race," Paramount Home Entertainment.
- 6. "American Pie 2 (Widescreen-Unrated), " Universal Studios Home Video.
- 7. "Vampire Hunter D: Bloodlust," Urban Vision Entertainment.
- 8. " ...







# FOCUS - 4 OF 46 STORIES

Copyright 2002 Newsday, Inc. Newsday (New York, NY)

February 22, 2002 Friday NASSAU EDITION

SECTION: PART II/WEEKEND, Pq. B43

LENGTH: 135 words

HEADLINE: HOT VIDEO AND DVD

BODY: Jeepers

# Creepers

- 6. Kiss of the Dragon
- 7. American Pie 2 8. The Glass House
- 9. What's the Worst That Could Happen?
- 10. Rock Star

Video Sales

1. Atlantis: The Lost Empire

. . .

- ... Empire
- 2. The Fast and the Furious
- 3. Rat Race
- 4. Kiss of the Dragon
- 5. Captain Corelli's Mandolin
- 6. American Pie 2 (Widescreen-

Unrated)

- 7. Shrek
- 8. Pearl Harbor
- 9. American Pie 2 (Pan & Scan-

Unrated)











10. Moulin Rouge!

SOURCE: Billboard







## FOCUS - 5 OF 46 STORIES

Copyright 2002 Newsday, Inc. Newsday (New York, NY)

February 15, 2002 Friday NASSAU AND SUFFOLK EDITION

SECTION: PART II/WEEKEND, Pg. B51

LENGTH: 159 words

HEADLINE: HOT VIDEOS AND DVDS

BYLINE: SOURCE: Billboard

BODY:

The Glass House

- 6. American Pie 2 (Rated)
- 7. Jeepers Creepers
- 8. Rock Star
- 9. Moulin Rouge!
- 10. What's the Worst That Could

Happen?"

Video Sales

. . .

- ... Sales
- 1. Atlantis: The Lost Empire
- 2. Rat Race
- 3. The Fast

and the Furious

- 4. Kiss of the Dragon
- 5. American Pie 2 (Widescreen-

Unrated)

6. American Pie 2 (Pan & Scan-

Unrated)







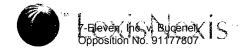
7. Shrek

(Special Edition)

8. Pearl Harbor: 60th Anniversary

Commemorative Edition

9. ...







# FOCUS - 7 OF 46 STORIES

Copyright 2002 CanWest Interactive, a division of CanWest global Communications Corp. All Rights Reserved The Gazette (Montreal)

February 9, 2002 Saturday Final EDITION

SECTION: ARTS & ENTERTAINMENT, Pq. C12

LENGTH: 191 words

HEADLINE: Rat Race is out in front

SOURCE: CP

BODY:

Kiss of the Dragon

3. American Pie 2

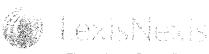
4. Atlantis: The Lost Empire

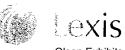
- 5. Rock Star
- 6. The Glass House
- 7. The Fast and the Furious
- 8. The Score

- ... Tarzan
- 4. MVP 2 Most Vertical Primate
- 5. Gladiator
- 6. Snow White & The Seven Dwarfs
- 7. American Pie 2
- 8. Mulan
- 9. Living Arts Strength and Stamina
- 10. Living Arts Pilates: Weight Loss

DVD RENTALS

1. Rat Race

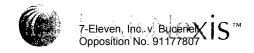






- 2. Kiss of the Dragon
- 3. Rock Star
- 4. Atlantis: The Lost Empire
- 5. American Pie 2
- 6. The Fast and the Furious
- 7. The Glass House
- 8. What's the Worst That Could Happen
- 9. Jeepers Creepers
- 10. The Score

DVD ...







## FOCUS - 9 OF 46 STORIES

Copyright 2002 Newsday, Inc. Newsday (New York, NY)

February 8, 2002 Friday NASSAU EDITION

SECTION: PART II/WEEKEND, Pg. B47

LENGTH: 156 words

HEADLINE: HOT VIDEOS AND DVD

BYLINE: SOURCE: Billboard

BODY:

Video Rentals

1. Kiss of the Dragon

2. American Pie 2 (Rated)

- 3. The Fast and the Furious
- 4. The Glass House
- 5. Jeepers Creepers
- 6. Rock Star
- 7. Moulin Rouge!
- 8. American Pie 2 (Unrated)
- 9. What's the Worst That Could

Happen?

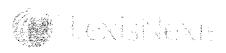
10. The Score

Video Sales

- 1. The Princess Diaries
- 2. Shrek
- 3. Snow ...
- ... 10. The Land Before Time: The Big Freeze

DVD Sales

1. Kiss of the Dragon







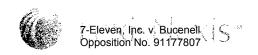
- 2. The Fast and the Furious
- 3. American Pie 2 (Widescreen-

Unrated)

4. American Pie 2 (Pan & Scan-

Unrated)

- 5. Rock Star
- 6. Terminator 2: Judgment Day
- 7. American Pie 2 (Pan & Scan)
- 8. Shrek (Special Edition)
- 9. Moulin Rouge!
- 10. Pearl Harbor: 60th Anniversary Com- ...







#### FOCUS - 10 OF 46 STORIES

# Copyright 2002 BPI Communication, Inc. BPI Entertainment News Wire

February 6, 2002, Wednesday

SECTION: Entertainment News

LENGTH: 2386 words

HEADLINE: BILLBOARD CHARTS

BODY:

... DC.

Top Video Rentals

(Compiled from a national sample of rental reports)

- 1. "Kiss Of The Dragon," FoxVideo.
- 2. "American Pie 2 (Rated), " Universal Studios Home Video.
- 3. "The Fast And The Furious," Universal Studios Home Video.
- 4. "The Glass House," ...
  - ... Creepers, " MGM Home Entertainment.
- 6. "Rock Star," Warner Home Video.
- 7. "Moulin Rouge," FoxVideo.
- 8. "American Pie 2 (Unrated)," Universal Studios Home Video.
- 9. "What's The Worst That Could Happen?" MGM Home Entertainment.
- 10. "The Score," Paramount Home ...
  - ... sample of sales reports)
- 1. "Kiss Of The Dragon," FoxVideo.
- 2. "The Fast And The Furious," Universal Studios Home Video.
- 3. "American Pie 2 (Widescreen-Unrated)," Universal Studios Home Video.
- 4. "American Pie 2 (Pan & Scan-Unrated), " Universal Studios Home Video.
- 5. "Rock Star," Warner Home Video.
- 6. "Terminator 2: Judgment Day (Ultimate DVD Edition)," Artisan Home Entertainment.
- 7. "American Pie 2 (Pan & Scan), " Universal Studios Home Video.
- 8. "Shrek (Special Edition)," DreamWorks Home Entertainment.
- 9. "Moulin ...









### FOCUS - 11 OF 46 STORIES

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Video Business

February 04, 2002

SECTION: Market Data; Top VHS Renters; Pq. 39

LENGTH: 895 words

HEADLINE: Top VHS renters;

Week ended Jan. 27

BYLINE: Staff

BODY:

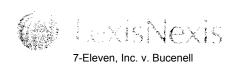
... in mils.) U.S. box office (\$ in mils.) VHS rental revenue as % of b.o.

1 2 AMERICAN PIE 2\* (UNIVERSAL, NSRP)

1.6 \$5.40 -45% \$15.21 \$145.1 10.5%

NEW 1 KISS OF THE DRAGON (FOX, NSRP)

. . .







#### FOCUS - 12 OF 46 STORIES

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Video Business

February 04, 2002

SECTION: Market Data; Top DVD Renters; Pq. 40

LENGTH: 391 words

HEADLINE: Top DVD renters;

Week ended Jan. 27

BYLINE: Staff

BODY:

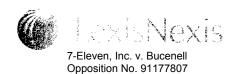
... in mils.) U.S. box office (\$ in mils.) DVD rental revenue as % of b.o.

1 2 <u>AMERICAN PIE 2</u>\* (UNIVERSAL, \$26.98)

1,200.8 \$4.32 -25.% \$10.17 \$145.1 7.0%

7.05

2 NEW 1 KISS OF THE DRAGON (FOX, \$ ...





Page 376



### FOCUS - 13 OF 46 STORIES

# Copyright 2002 Newsday, Inc. Newsday (New York, NY)

February 1, 2002 Friday NASSAU AND SUFFOLK EDITION

SECTION: PART II, Pg. B51

LENGTH: 105 words

HEADLINE: HOT VIDEOS

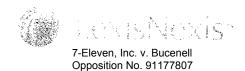
BODY:

Video Rentals

- 1. American Pie 2 (Rated)
- 2. The Fast and the Furious
- Jeepers

Creepers

- 4. The Glass House
- 5. American Pie 2 (Unrated)
- 6. What's the Worst That Could Happen?
- 7. The Princess Diaries
- 8. Rush Hour 2
- 9. The Score
- 10. Moulin ...







### FOCUS - 14 OF 46 STORIES

# Copyright 2002 BPI Communication, Inc. BPI Entertainment News Wire

January 30, 2002, Wednesday

SECTION: Entertainment News

LENGTH: 2358 words

HEADLINE: BILLBOARD CHARTS

BODY:

... BPI Communications Inc. and SoundScan Inc.

Top Video Rentals

(Compiled from a national sample of rental reports)

- 1. "American Pie 2 (Rated), " Universal Studios Home Video.
- 2. "The Fast And The Furious," Universal Studios Home Video.
- 3. "Jeepers Creepers," MGM Home Entertainment.
- 4. "The Glass House," Columbia TriStar Home Video.
- 5. "American Pie 2 (Unrated), " Universal Studios Home Video.
- 6. "What's The Worst That Could Happen?" MGM Home Entertainment.
- 7. "The Princess Diaries," Walt ...
- ... Before I Wake," Xenon Entertainment.

Top DVD Sales

(Compiled from a national sample of sales reports)

- 1. "American Pie 2 (Widescreen-Unrated), " Universal Studios Home Video.
- 2. "American Pie 2 (Pan & Scan-Unrated), " Universal Studios Home Video.
- 3. "The Fast And The Furious," Universal Studios Home Video.
- 4. "American Pie 2 (Pan & Scan), " Universal Studios Home Video.
- 5. "American Pie 2 (Widescreen)," Universal Studios Home Video.
- 6. "Buffy The Vampire Slayer -- Season One," FoxVideo.
- 7. "Jeepers Creepers," ...

... TRACK: "Good Morning Beautiful," Steve Holy.

TOP COUNTRY ALBUM: "Drive," Alan Jackson.

TOP VIDEO RENTAL: "American Pie 2 (Rated)."

TOP VIDEO SALE: "The Princess Diaries."

TOP DVD SALE: "American Pie 2 (Widescreen-Unrated)."

TOP KIDS VIDEO: "The Land Before Time: The Big Freeze."











## FOCUS - 15 OF 46 STORIES

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Video Business

January 28, 2002

SECTION: Market Data; Top VHS Renters; Pq. 33

LENGTH: 895 words

HEADLINE: Top VHS renters;

Week ended Jan. 20

BYLINE: Staff

BODY:

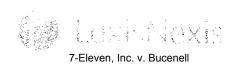
... in mils.) U.S. box office (\$ in mils.) VHS rental revenue as % of b.o.

1 NEW 1 AMERICAN PIE 2\* (UNIVERSAL, NSRP)

2.8 \$9.78 --\$9.81 \$145.1 6.8%

2 1 3 THE FAST AND THE FURIOUS (UNIVERSAL, NSRP)

1.5 ...



Opposition No. 91177807



Page 379



# FOCUS - 16 OF 46 STORIES

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Video Business

January 28, 2002

SECTION: Market Data; Top DVD Renters; Pg. 34

LENGTH: 395 words

HEADLINE: Top DVD renters;

Week ended Jan. 20

BYLINE: Staff

BODY:

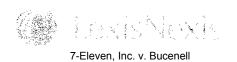
... in mils.) U.S. box office (\$ in mils.) DVD rental revenue as % of b.o.

1 NEW 1 <u>AMERICAN PIE 2</u>\* (UNIVERSAL, \$26.98)

1,607.3 \$5.77 -\$5.85 \$145.1 4.0%

2 1 3 THE FAST AND THE FURIOUS (UNIVERSAL,

\$26.95) 874.3 ...









# FOCUS - 19 OF 46 STORIES

# Copyright 2001 Newspaper Publishing PLC The Independent (London)

November 23, 2001, Friday

SECTION: FEATURES; Pg. 12

LENGTH: 172 words

HEADLINE: FILM: BOX OFFICE

### BODY:

... 1 (-) Harry Potter 16,335,627

2 (1) The Others 1,315,412

3 (2) Legally Blonde 516,813

4 (3) American Pie 2 421,284

5 (4) Kiss Of The Dragon 296,870

6 (5) Jeepers Creepers 198,750

7 (6) Atlantis: The Lost ...





### FOCUS - 24 OF 46 STORIES

# Copyright 2001 Time Inc. Entertainment Weekly

October 26, 2001

SECTION: MOVIES/THE WEEK; Pg. 94

LENGTH: 2045 words

**HEADLINE:** The Week

BYLINE: Owen Gleiberman; Lisa Schwarzbaum

BODY:

... 581 \$ 617 11 \$ 105.9

19 JEEPERS CREEPERS

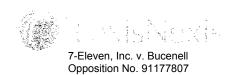
United Artists \$ 0.3 655 \$ 512 7 \$ 37.2

20 AMERICAN PIE 2

Universal \$ 0.3 490 \$ 670 10 \$ 143.8

SOURCE: ACNIELSEN EDI, INC. WEEKEND OF OCT. 12-OCT. 14

. . .







# FOCUS - 27 OF 46 STORIES

# Copyright 2001 BPI Communications, Inc. The Hollywood Reporter

September 19, 2001

LENGTH: 598 words

HEADLINE: 'Hardball' slides into first with \$9.3 mil b.o. opening

Frame up 23% from comparable 2000 period

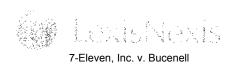
BYLINE: Roger Cels

BODY:

... eased 38% in its third term to \$3.8 million. The teen-oriented horror item has claimed \$29.7 million.

Universal's "American Pie 2" earned \$3.6 million in its sixth contest, down only 24%. Revenues total \$135.9 million.

Paramount's "Rat ...







## FOCUS - 29 OF 46 STORIES

Copyright 2001 BPI Communications, Inc.
The Hollywood Reporter

September 11, 2001

LENGTH: 606 words

HEADLINE: 'Musketeer' beats 'Star,'

'Game' in b.o. swordplay

'Rush,' 'Pie' sequels drop out of top five

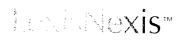
BYLINE: Roger Cels

BODY:

... million. The sequel featuring Jackie Chan and Chris Tucker has done a stunning \$206 million to date.

Universal's hit "American Pie 2" was next with \$4.7\$ million, down 57% during its fifth weekend. Revenue for the teen comedy stands at \$131.2 ...







FOCUS - 30 OF 46 STORIES

Copyright 2001 Time Inc. Entertainment Weekly

September 7, 2001

SECTION: MOVIES/THE WEEK; Pg. 136

LENGTH: 2151 words

HEADLINE: The Week

BYLINE: Owen Gleiberman and Lisa Schwarzbaum

BODY

... Bunch starring Corey Feldman, Corey Haim, and the Hanson brothers. D+ (#610/611, Aug. 24/31)  $^{--\text{OG}}$ 

**AMERICAN PIE 2** (104 mins., R) Another slice of the sweetly raunchy sex comedy that was such a moneymaker two years ago. The entire ...

... 20

WEEKEND NO. WEEKEND WEEKS GROSS

GROSS OF PER-SITE IN

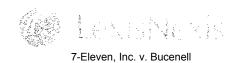
TO

SITES AVERAGE RELEASE DATE

# 1 AMERICAN PIE 2

Universal \$ 12.5 3,157 \$ 3,965 3 \$ 109.3 2 RUSH HOUR 2

New Line \$ 11.6 3,001 \$ 3,860 ...







# FOCUS - 31 OF 46 STORIES

Copyright 2001 Newspaper Publishing PLC Independent on Sunday (London)

September 2, 2001, Sunday

SECTION: FEATURES; Pg. 14

LENGTH: 385 words

HEADLINE: ARTS ETC: BOX OFFICE;

THIS WEEK'S FILMS

BODY:

... on your brain stem".

THIS LAST WEEKEND PERCENTAGE GROSS

WK WK TOTAL CHANGE TO DATE 1 1 <u>American Pie 2</u> (US) Universal \$ 12,517,475 -41% \$ 109,337,940

2 2 Rush Hour 2 (US) New Line \$ 11,582,818 -39% \$ ...

Opposition No. 91177807





FOCUS - 33 OF 46 STORIES

Copyright 2001 Time Inc. Entertainment Weekly

August 24, 2001 / August 31, 2001

SECTION: MOVIES/THE WEEK; Pg. 106

LENGTH: 2139 words

HEADLINE: The Week

BYLINE: Owen Gleiberman; Lisa Schwarzbaum

BODY:

Reviews by OWEN GLEIBERMAN and LISA SCHWARZBAUM

In Theaters

AMERICAN PIE 2 (104 mins., R) Another slice of the sweetly raunchy, secretly conservative sex comedy that was such a moneymaker two years ...

... summer in 11 years.

BOX STORY:

BOX OFFICE

THE SLICE IS RIGHT

What's in the water over at Universal? <u>American Pie 2</u> won this week's bake-off with the biggest opening ever for an R-rated comedy (\$ 45 million), the fourth-straight \$ ...

... GROSS

WEEKEND NO. OF PER-SITE IN TO
TOP 20 GROSS SITES1 AVERAGE RELEASE DATE

## 1 AMERICAN PIE 2

Universal \$ 45.1 3,063 \$ 14,730 1 \$ 45.1

2 RUSH HOUR 2

New Line \$ 33.1 3,118 \$ 10,621 ...







Page 387



#### FOCUS - 35 OF 46 STORIES

# Copyright 2001 Newspaper Publishing PLC Independent on Sunday (London)

August 19, 2001, Sunday

SECTION: FEATURES; Pg. 13

LENGTH: 384 words

HEADLINE: BOX OFFICE: THIS WEEK'S FILMS

BODY:

... A Fish (Denmark) Metrodome pounds 81,908 N/A pounds 81,908

ACNIELSEN EDI

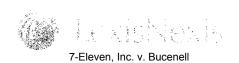
US Top 10

<u>American Pie 2</u> (right), another in a long line of crowd-pleasers from Universal, has raised a few eyebrows. It's clearly ...

THIS LAST WEEKEND PERCENTAGE GROSS

WK WK TOTAL CHANGE TO DATE 1 - American Pie 2 (US) Universal \$ 45,117,985 N/A \$ 45,117,985

2 1 Rush Hour 2 (US) New Line \$ 33,117,312 - ...



Opposition No. 91177807





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◆Select for FOCUS™ or Delivery	
	f '70s and '80s, Fawcett opens up about her battle ocumentary Newsday (New York) May 16, 2009

Copyright 2009 Newsday, Inc.

Saturday

# Newsday

Newsday (New York)

May 16, 2009 Saturday
ALL EDITIONS

**SECTION:** NEWS; Pg. A11

LENGTH: 459 words

**HEADLINE:** Angel faces down death;

An iconic figure of '70s and '80s, Fawcett opens up about her battle with cancer in dramatic

and personal documentary

**BYLINE: BY VERNE GAY** 

**BODY:** 

... episodes for a movie career.

1978 ABC and "Angels" creators Leonard Goldberg and Aaron Spelling, hit her with a \$7-million breach of contract suit.

1981 Biggest movie role, "Cannonball Run," with Burt Reynolds.

1982 Divorces Majors and begins dating Ryan O'Neal (they later have a son, Redmond).

1983 Wins acclaim for off-Broadway's "Extremities."

1984-89 Stars in several ...

Source: News & Business > Combined Sources > Major US Newspapers 🗓

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◆Select for FOCUS™ or Delivery	
'Cannonball Run': Rambling Wreck;Ge	t A Horse The Washington Post June 20, 1981,

Thursday, Final Edition

Copyright 1981 The Washington Post The Washington Post

June 20, 1981, Thursday, Final Edition

SECTION: Style; Movies; B1

**LENGTH:** 612 words

**HEADLINE: 'Cannonball Run': Rambling Wreck;** 

Get A Horse

**BYLINE:** By Gary Arnold

# **BODY:**

Content to pick up where the skid marks from "Smokey and the Bandit II" left off, "The Cannonball Run" quickly establishes itself as an aggressive shambles, the latest exercise in amateurism from facetious professionals.

"Cannonball," now playing at area theaters, was fabricated around the experiences shared by director Hal Needham and writer Brock Yates in the 1979 Cannonball Memorial Trophy Dash, a clandestine cross-country car race. They drove a Dodge van disguised as an ambulance in hopes of deceiving any highway patrolmen who might have questioned their haste. Yates, a former editor of Car and Driver, was instrumental in organizing the race about a decade ago, and it was used as the pretext for an earlier car chase farce, "The Gumball Rally." wNow staged every other year, the event begins at a Darien, Conn., shopping center and concludes at a Redondo Beach, Calif., restaurant. The existing record is slightly under 33 hours at an average speed of 87 mph.

Burt Reynolds, cast as the proprietor of a land-air-sea delivery service, shares a fake ambulance with his chief mechanic, Dom DeLuise, who occasionally fantasizes himself as a comic book caped crusader. Farrah Fawcett, an adorable dimwit, and Jack Elam, a demented proctologist, are recruited to pose as patient and attending physician, respectively.

The hectic opening sequences accord perfunctory introductions to the other competitors, none of whom establishes secure holds on our attention either: Roger Moore as Seymour Goldfarb, the heir to a ladies' undergarment business who imagines himself to be Roger Moore in an Aston Martin; Dean Martin and Sammy Davis Jr. as aging sleazes pretending to be priests, in a red Ferrari; yokels Mel Tillis and Terry Bradshaw in a stock car; sex bombs

Adrienne Barbeau and Tara Buckman in a black Lamborghini; Arab sheik Jamie Farr in a white Rolls Royce; daredevil financier Bert Convy and partner Warren Berlinger on a Harley-Davidson; the Hong Kong martial arts stars Jackie Chan and Michael Hui as gibbering Japanese in an experimental, exotically computerized Subaru.

One tends to lose interest during the introductions, since the staging or editing makes everything seem clumsy 2nd abrupt. Obviously, the scenes are meant to be incisively funny and to establish the characters with cartoonish distinctiveness, but the choppy timing undermines the illusion.

As the contestants race across country, we're supposed to be sustained and amused by updates about their run-ins with the police and their evasive maneuvers. The number of entries scatters attention to begin with, and when any element shows signs of promise -- the stirrings of a wistful romantic rapport between Reynolds and Fawcett, for example, or the apparent comic compatibility in the Tillis-Bradshaw and Chan-Hui teams -- you can be certain that the format will kill it by suddenly shifting scenes. Ultimately, you're left with a few funny bits that seem to jump out of the context: a spontaneous takeoff on the Dr. Pepper theme by DeLuise or a slapstick explosion of acrobatic kicks from Chan.

The general air of sloppy-boppy vanity and expendability is summed up when "Cannonball" repeats a specific bad habit from "Smokey II": Needham illustrates the closing credits with discarded themes. Even worse, the principal leitmotif of these outtakes turns out to be Reynolds and Martin playfully slapping sidekicks DeLuise and Davis, respectively. Although the qesture recalls Abbott & Costello at their least ingratiating, it could prove useful in another respect; "The Cannonball Run" was obviously made by people who need to be smacked to their senses

GRAPHIC: Picture 1, Burt Reynolds and Farrah Fawcett in "The Cannonball Run"; Picture 2, Cast from "The Cannonball Run'

Source: News & Business > Combined Sources > Major US Newspapers [i]

Terms: caps(baby mama) or caps(mission impossible 3) or caps(american pie 2) or caps(cannonball run) (Edit

Search | Suggest Terms for My Search)

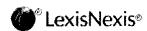
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Source: News & Business > Combined Sources > Ma Terms: caps(baby mama) or caps(mission impossible Search   Suggest Terms for My Search) Focus: caps(cannonball run) (Exit FOCUS™)	jor US Newspapers i e 3) or caps(american pie 2) or caps(cannonball run) (Edit
•	TS RECORDS The New York Times June 22, 1981,

Copyright 1981 The New York Times Company

June 22, 1981, Monday, Late City Final Edition

The New York Times

SECTION: Section C; Page 13, Column 3; Cultural Desk

LENGTH: 230 words

**HEADLINE:** 'SUPERMAN II,' IN FIRST WEEKEND, SETS RECORDS

**BYLINE:** Special to the New York Times

**DATELINE:** LOS ANGELES, June 21

#### BODY:

"Superman II," which opened in 1,395 theaters on Friday, has broken several box-office records during its first few days. It had the best single day in the history of the industry yesterday, when it sold \$5,603,000 in tickets. The earlier record holder was "Star Wars," which made \$4,523,000 the opening Saturday of its reissue last summer.

Terry Semel, vice chairman and chief operating officer of Warner Bros., is "conservatively estimating" a weekend total of \$14 million for "Superman II," exceeding the nearly \$12 million that "Star Trek" grossed its first weekend in 857 theaters in December 1979.

According to Mr. Semel, by next Friday, "Superman II" will also be the opening-week box-office champion, which is now "Smokey and the Bandit II," which grossed more than \$18 million in 1,203 theaters last August. The opening week gross of "Superman II" may go as high as \$25 million.

After more than year of box-office doldrums, movies are, so far, doing extremely well this summer. "The Four Seasons," Alan Alda's hymn to friendship, is an acknowledged hit. "Cannonball Run," a Burt Reynolds car-chase movie that also opened last Friday, is expected to gross approximately \$10 million its opening weekend in nearly 1,600 theaters.

Source: News & Business > Combined Sources > Major US Newspapers i

Terms: caps(baby mama) or caps(mission impossible 3) or caps(american pie 2) or caps(cannonball run) (Edit Search | Suggest Terms for My Search)

FOCUS - 1272 Results - caps(baby mama) or caps(mission impossible 3) or caps(america... Page 2 of 2

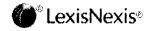
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	ILMS The New York Times June 26, 1981, Friday, ity Final Edition

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The New York Times

June 26, 1981, Friday, Late City Final Edition

SECTION: Section D; Page 1, Column 4; Financial Desk

LENGTH: 1042 words

**HEADLINE:** HOLLYWOOD STRATEGY FOR SUMMER FILMS

**BYLINE:** By PAMELA G. HOLLIE, Special to the New York Times

**DATELINE:** LOS ANGELES, June 25

#### BODY:

Last December, Warner Brothers decided that instead of releasing its new movie "Superman II" during the Christmas season, it would wait until summer. That strategy now seems to be paying off.

In a box-office-busting stretch last weekend, "Superman II" led the industry to its biggest three-day tally ever, as six movies grossed \$45 million. The star performer, "Superman II," itself took in a one-day record \$5.68 million last Saturday and chalked up threeday receipts of \$14.1 million.

"What comes in the summer is very important to a studio," said Roy Furman of Furman, Selz, Mager, Dietz & Birney Inc., a New York brokerage firm. "When Warner Brothers decided not to release at Christmas, it made a significant seasonal adjustment. It paid off."

Blockbusters are what studios dream about and a big summer movie is worth 12 months of a steady run. In the space of a few weeks, a studio may build enough momentum to carry it through the year or many years. "Star Wars," which was released in May 1976, put 20th Century-Fox back into the movie business.

This season's six big movies so far are "Superman II"; "**Cannonball Run,**" from Fox; "Raiders of the Lost Arc," from Paramount; "Clash of the Titans," a joint venture of M-G-M and United Artists; "History of the World Part I," also Fox, and Columbia's "Cheech and Chong's Nice Dreams."

# Most Profitable Period

The summer strategy is crucial to the movie industry, which has experienced a serious downturn in the last two years. Always the industry's most profitable and competitive period, the summer season has been extended beyond the eight weeks in July and August to incorporate the period from Memorial Day to Labor Day. Between that time, studios will make more than half their money.

With studios cutting back on the number of pictures released each year because of rising production costs and a shrinking audience, one big summer movie may make all the difference between a great year and a poor one. And the verdict comes in quickly, usually in the first few days.

If a movie does not open to a big weekend, it runs the danger of being quickly forgotten. Besides, studios do not make money from sleepers - movies that catch on slowly but have long runs. Their biggest profits are made at the beginning of a film's run, when the reviews are fresh and the markets for toys, T-shirts and television resale are new. A box-office winner is only the beginning of the profit cycle.

# Scheduling a Key Factor

Scheduling to get the maximum exposure and the biggest audiences can make the difference between success and failure. "MCA was very clever when they scheduled 'The Four Seasons' before Memorial Day," said Mr. Furman of the season's one adult movie. "It gave the picture time to find its audience."

A mistake in judgment or bad timing can be deadly, as Disney Productions learned when the company missed the space fantasy cycle and failed badly with "The Black Hole" in 1979. Warner Brothers made a similar mistake when it misjudged the market for a sequel to "The Exorcist."

The competition will be unusually stiff this summer for the 12- to 24-year-old audience, which makes up the majority of the summer moviegoers. Working against the studios will be the rising cost of tickets - now as high as \$5 because of inflation and the cost of film production - and the large selection of summer pictures this year. Studios cannot expect to get repeat traffic for a particular movie unless their super-epic is more entertaining than the competition's.

Warner's strategy in holding "Superman II" for summer release had another purpose: It gave Warner's comedy releases, like "Private Benjamin" and "Any Which Way You Can," and its horror films, like "Awakening" and "Sphinx," a greater chance for success with the teenage and young adult audiences, who make up the majority of the theatergoers during the Christmas season.

Similarly, Columbia Pictures decided to delay "Cheech and Chong's Nice Dreams" until the early summer when there were no other movies of its kind to offer competition.

The summer strategy has also meant a considerable juggling of release dates. Columbia not only moved Cheech and Chong's movie to the summer season, but the studio also opened it a week earlier than planned to avoid running into the supernatural pictures.

To insure that "Raiders of the Lost Ark" played to the best theaters in the best locations, Paramount supposedly sweetened its standard theater deal to make sure that the film would hold its own against "Superman II" when the caped hero came to the screen a week later. "Raiders" grossed \$8.3 million in 1,078 theaters in its first week and dropped only 4 percent in its second week.

# Turning Point Sought

The industry hopes that all of this strategy will help provide the turning point in the downturn and prove that the movie business is still viable. However, not all analysts are optimistic. The industry "looks healthier now," said Hal Vogel, at Merrill Lynch, "but under the surface, we may not be done with the downturn."

The industry has been depressed for the past two years. Fox's revenues, for example, dropped by 9 percent in 1979 and another 20 percent in 1980. MCA's and Columbia's feature films also dropped off in 1980, but the impact on total film sales was easily offset by television sales, which rose by 25 percent and 45 percent, respectively.

When the industry is on a streak, as it appears to be so far this summer, the good will generally flows into following months. With the big Fourth of July weekend coming up, studios are hoping that moviegoing has become fashionable again and that movies soon to be released will benefit from the momentum.

Robert Friedman, president of Columbia Pictures Distribution, is predicting just such a tide to carry along Columbia's "Stripes," to be released this weekend.

**GRAPHIC:** Illustrations: photo of part of the crowd waiting to see Superman II in New York table of the gross revenues in the opening weekend for some of the summer's hottest films

Source: News & Business > Combined Sources > Major US Newspapers [1]

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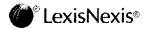
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Notes From All Over The Washington Post June 28, 1981, Sunday, Final Edition

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June 28, 1981, Sunday, Final Edition

SECTION: Style; Show; Limelight; K3

LENGTH: 337 words

**HEADLINE:** Notes From All Over

**BYLINE:** Joe Brown

#### **BODY:**

In the beginning there was "Sugar Babies" . . . but now Broadway's bombardment of burlesque has competition. Ex-stripper Ann Corio's "This Was Burlesque" revue opened Tuesday at the Princess Theater. The theatrical chestnut, now billed as "A Musical Satire," first played off-Broadway in 1962 and has been wandering ever since. Mistress of ceremonies/director Corio was once known as "The Girl With the Epic Epidermis . . ."

"Superman II" is not only smashing supervillains, but records, too: The film grossed \$14.1 million in its first weekend, breaking nine existing box-office records. "Superman II" is crushing all the competition, but "**Cannonball Run**" is right behind, taking \$11.8 million in its first three days; "Raiders of the Lost Ark" pulled in \$8.3 million; and "Clash of the Titans" cleaned \$4.5 million from the nation's pockets.

Meanwhile, super-suits over the first "Superman" are expected to come to trial in late December. Marlon Brando's attorney Norman Garey, original "Superman" director Richard Donner and writer Mario Puzo have consolidated their cases against Warner Bros. and producers Ilya and Alexander Salkind . . .

Ol' Blue Eyes could be on the airwaves afresh soon . . . Frank Sinatra has reportedly been recording tracks in New York for a new LP. Working title: "She Shot Me Down" from Sonny Bono's hit "Bang, Bang." (Sonny Bono?) . . .

Elizabeth Taylor promised Maureen Stapleton a ladies' night on the town for her birthday, and then lured her right into a surprise party at Regine's in New York last weekend. About 200 guests, including Colleen Dewhurst, Hermione Gingold, Stephen Sondheim and Sidney Poitier screamed "Surprise!" and sang "Happy Birthday" as Stapleton crossed the threshold at midnight . . .

What a weekend . . . "Friday the 13th" started it. Then the body count continued with "Friday the 13th Part II." Currently in the works: "Thursday the 12th" with Tab Hunter, and "Saturday the 14th" with Richard Benjamin and Paula Prentiss . . .

Source: News & Business > Combined Sources > Major US Newspapers [i]

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FOX'S HIRSCHFIELD EMERGES AS VICTOR	R IN EXECUTIVE BATTLE The New York Times July

2, 1981, Thursday, Late City Final Edition

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July 2, 1981, Thursday, Late City Final Edition

**SECTION:** Section D; Page 4, Column 1; Financial Desk

LENGTH: 1059 words

**HEADLINE:** FOX'S HIRSCHFIELD EMERGES AS VICTOR IN EXECUTIVE BATTLE

BYLINE: By ALJEAN HARMETZ, Special to the New York Times

**DATELINE:** LOS ANGELES, July 1

#### BODY:

Alan J. Hirschfield, vice chairman and chief operating officer of the 20th Century-Fox Film Corporation, emerged today as the victor in a management dispute that ended with the angry resignation of Dennis C. Stanfill as chairman and chief executive officer.

But it was not yet clear whether Marvin Davis, the Denver oil millionaire who recently bought the company, would promote Mr. Hirschfield to Mr. Stanfill's position.

"None of us know Marvin Davis well enough yet to have a sense of what his ultimate decisions will be," a top Fox executive said. "Clearly, however, Davis is looking to Alan to run the entertainment part of the company," the executive said, referring to the movie and television production divisions. "Will he ask him to run soft drinks and real estate? Maybe, maybe not."

Fox Film, with 1980 earnings of \$54 million on revenues of \$865 million, has expanded in recent years from one of the nation's major entertainment companies into such additional fields as soft-drink bottling, real estate and vacation resorts.

Mr. Stanfill's terse resignation announcement late yesterday stated that Fox had "materially breached" his employment contract and that his "ability to function as the chief executive officer" had been "irreparably impaired."

Dispute Among Executives

According to Fox Film sources, Mr. Davis, who completed the purchase of 20th Century-Fox for \$720 million on June 10, refused to allow Mr. Stanfill to dismiss Harris Katleman, chairman of the studio's television operation and a protege of Mr. Hirschfield.

Mr. Stanfill first tried to dismiss Mr. Katleman last winter after an item for several hundred dollars worth of women's clothing appeared on the television executive's expense account for a European trip. According to Mr. Katleman, the entry was made on the expense account because of a secretary's error.

However, studio sources said that Mr. Stanfill used the incident to embarrass Mr. Hirschfield who, as president of Columbia Pictures Industries, had put pressure on David Begelman, Columbia's movie studio president, to resign after Mr. Begelman had cashed a check made out to another Columbia employee. Mr. Hirschfield, 45 years old, joined Fox Film in 1979; Mr. Stanfill, 52, had headed the company for more than a decade.

## Differences Put Aside

The differences that had developed between Mr. Stanfill and Mr. Hirschfield were to have been brought before a meeting of the Fox board last Feb. 27, and insiders felt that it was a tossup as to which man would win. However, before the meeting Mr. Davis then made an offer to purchase the company, and the quarrel between the two men was put aside during the long negotiations that led to the final agreement with the Denver oilman. His purchase of Fox Film earned Mr. Stanfill \$6.7 million for the 130,668 shares of Fox stock that he held. Mr. Hirschfield's 100,000 shares and options earned him \$2.9 million.

Mr. Stanfill was the only previous member of the Fox board to become a member of Mr. Davis's new four-man board, a fact that was interpreted in Hollywood to mean that Mr. Stanfill, rather than Mr. Hirschfield, was in Mr. Davis's favor. "Even Dennis misinterpreted Davis's genial good will as a signal that he wanted Dennis to supercede Alan," said a source close to the situation, "and so he started to move in on Alan's areas. It was clear from the start that Harris would be the symbol."

In the past two weeks, Mr. Stanfill sent his lawyer to tell Mr. Katleman to leave, company sources said. However, under Mr. Katleman, Fox Television, which had been in the doldrums for years, was starting to thrive. The company had sold two new hourlong shows for next season - "Fall Guy," starring Lee Majors, to ABC, and "Jessica Novak," about a female investigative reporter, to CBS. Mr. Davis chose to side with Mr. Hirschfield, who had brought Mr. Katelman to the company in 1979.

Top executives at Fox were stunned by Mr. Stanfill's sudden resignation. Sherry Lansing, president of film production, for example, described herself as "surprised and shocked."

Even before Mr. Stanfill's departure, questions had been raised about the future of Fox. The corporation owns a Coca-Cola bottling plant, the Aspen Skiing corporation, and a resort and other real estate in Pebble Beach, Calif., all purchased with profits from the movie "Star Wars." The studio itself occupies 63 acres of prime West Los Angeles real estate, and Mr. Davis's proxy statement said that he intended to review the holdings and perhaps dispose of some of it.

# Property Sale Speculation

There had been speculation in Hollywood that Mr. Davis might sell the company's properties, except the studio land and the Pebble Beach real estate. Such a sale might bring in several hundred million dollars, with at least some of the money to be used to reimburse Mr. Davis for the cost of purchasing Fox Film.

It appeared that Mr. Davis, who has spent approximately one day every two weeks at the studio, would allow the movie and television operations to function under Mr. Hirschfield.

According to one senior Fox executive, Mr. Hirschfield's unexpected trip was "to eliminate the kind of anxiety most people feel when there is change, and to share a certain amount of celebration with chums who have gone through a long siege.

After a fallow period following the 1979 resignation of Alan Ladd Jr., Mr. Hirschfield's predecessor, because of a dispute with Mr. Stanfill, the Fox studio, under Mr. Hirschfield's production team, has recently been quite active. Its two summer movies, "History of the World, Part I" and "Cannonball Run," both opened well. In various stages of production are "Modern Problems," starring Chevy Chase; "Taps," a military academy drama starring George C. Scott and Timothy Hutton; "King of Comedy," starring Robert De Niro and Jerry Lewis and directed by Martin Scorcese; Neil Simon's "I Ought to Be in Pictures;" the Zanuck-Brown production "Ninja," and a homosexual love story, Daniel Melnick's "Making Love."

GRAPHIC: Illustrations: photo of Alan Hirschfield photo of Marvin Davis

Source: News & Business > Combined Sources > Major US Newspapers

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A new summer record:Box office is boomi	ng but what are audiences seeing? Christian

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September 3, 1981, Thursday, Midwestern Edition

Christian Science Monitor (Boston, MA)

Science Monitor (Boston, MA) September 3, 1981, Thursday, Midwestern Edition

**SECTION:** Arts/Entertainment; On Film; pg. 18

**LENGTH:** 548 words

**HEADLINE:** A new summer record;

Box office is booming -- but what are audiences seeing?

**BYLINE:** By David Sterritt

#### **BODY:**

The movies aren't better than ever, but nobody seems to mind.

After 30 months -- count 'em -- of doldrums and bad news, the box office is boffo again. Between the beginning of July and the middle of August, spectators bought some 181 million tickets, according to figures assembled by A. D. Murphy of the showbusiness newspaper Variety. This summer will set a new record for the warm-weather season, and the total take for 1981 could hit an all-time high of nearly \$3 billion.

What are people rushing to see? No surprises. As usual, the biggest hits are way in the lead, pulling in a disproportionate share of the audience. "Raiders of the Lost Ark" and "Superman II" -- in that order -- account for nearly 25 percent of the box-office total. Next come "Stripes" and "Four Your Eyes Only," followed by "Escape from New York" and "Arthur." Add them up, and these six turn out to be earning almost half the dollars spent at the movies these days.

Other top midsummer films include "Tarzan the Ape Man," "Blow Out," "Endless Love," "The Great Muppet Caper," "S.O.B.," and "The **Cannonball Run.**" Farther down the line but still healthy are "The Fox and the Hound," the revival of "The Empire Strikes Back," and "Wolfen."

Naturally, many of these moneymakers are outright junk. "Stripes" is a sleazy farce about a loser who joins the Army, yet the film is making millions on the strength of Bill Murray's name and current tastes. "Tarzan the Ape Man" and "Endless Love" are disasters on almost every level, yet there's apparently no defense against the drawing power of Bo Derek and Brooke Shields, respectively.

Even the well-made entries -- "Raiders," "Superman," the James Bond flick -- attest the pure escapism that still dominates the Hollywood scene. Ditto for the comical "Arthur," the sci-fi "Escape from New York," the wretched "Cannonball Run," and the latest Muppet movie, a G-rated surprise with fun for all ages.

The big question is: Can the studios sustain their winning streak without offering, sooner or later, more substantial stuff? Or do audiences insist on flimsy fare nowadays, to be consumed and forgotten like a box of buttered popcorn?

We may soon find out. For one thing, box-office figures have begun to level off lately. For another, Hollywood is about to launch a few unwontedly serious pictures in the fall and winter seasons. Warren Beatty's massive "Reds," Arthur Penn's "Four Friends," Francis Coppola's "One From the Heart," and Milos Forman's "Ragtime" are among them, not to mention a major reissue of Stanley Kubrick's "Barry Lyndon," a lavish and literary film if ever there was one. Will viewers sit still for so many hours of what promises to be genuine cinema?

Early signs are encouraging. Sidney Lumet's "Prince of the City" has opened strongly, despite its fiercely realistic theme of police corruption, its surprisingly complex treatment of social issues, and its long running time of nearly three hours. While it's no masterpiece, it seems to be drawing crowds who want more than another trip to fantasyland. Escapism reigns in 1981, but not exclusively. The movies are pulling in plenty of profits, and there's still a chance some of that money will be ploughed into projects of more than momentary interest.

**GRAPHIC:** Pictures 1 through 3, 'Superman', 'Raiders', disproportionate share. 'Muppet Caper', another midsummer success

Source: News & Business > Combined Sources > Major US Newspapers

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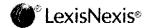
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HOLLYWOOD IS JOYOUS OVER ITS RECORD GROSSING SUMMER The New York Times September 9, 1981, Wednesday, Late City Final Edition

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September 9, 1981, Wednesday, Late City Final Edition

**SECTION:** Section C; Page 25, Column 1; Cultural Desk

LENGTH: 1415 words

**HEADLINE: HOLLYWOOD IS JOYOUS OVER ITS RECORD GROSSING SUMMER** 

BYLINE: By ALJEAN HARMETZ, Specia I to the New York Times

DATELINE: HOLLYWOOD, Sept. 8

#### BODY:

Happy days are here again in Hollywood. When "Superman II" reached \$100 million in ticket sales last week it was a joyous confirmation that a box-office slump that lasted two and a half years had ended with the biggest summer in the history of the movies.

"Just when you thought it was unsafe to go back in the theaters, movie audiences proved they still exist in great numbers," said Charlie Powell, an independent marketing expert. "The public is not antimovies and not too sophisticated for escapism. The key this summer was escapism, comedy and fun. And if they decide they want to see it, audiences will come out for a good movie or the worst piece of junk."

Paramount's "Raiders of the Lost Ark," the George Lucas-Steven Spielberg giant-size Saturday morning serial, brushed the \$100 million mark three weeks ago and is the summer's clear box-office winner at \$125 m illion. In third place, with a gross of \$72 million - approximately \$30 million in back of the Warn er Bros. "Superman II" -was Columbia's off-the-wall Army comedy "Stripes." Twentieth Century-Fox's "Cannonball Run," a Burt Reyn olds cross-country demolition derby, was fourth with \$62 million , while the James Bond movie "For Your Eyes Only," from United Art ists, and Alan Alda's hymn to friendship, "The Four Seasons," fro m Universal, more or less tied for fifth place with \$45 million and \$46 million, respectively. Some Disasters

The unquestioned commercial disaster of the summer was EMI's "Honky Tonk Freeway." That John Schlesinger car-chase comedy about a group of eccentrics who meet on the same

freeway and a waterskiing elephant cost \$24 million to make plus a minimum of \$5 million to market and several million dollars worth of interest on borrowed money. The movie will struggle to return \$2 million in film rentals to its distributor, Universal. On its second Friday night in Las Vegas, playing exclusively in one theater, "Honky Tonk Freeway"sold only \$16 9 worth of tickets.

Crowding close on the heels of "Honky Tonk Freeway" was Lord Lew Grade's \$18 million "Legend of the Lone Ranger," which managed to prove there was at least one pop-culture hero whom audiences were not interested in seeing. And there were a considerable number of other box-office disasters or disappointments -Filmways' \$18 million Brian De Palma thriller "Blow Out"; Paramount's \$18 million "Dragonslayer"; Orion's \$17 million "Wolfen" and \$18 million "Under the Rainbow"; the Ladd Company's \$14 million "Outland"; Melvin Simon's "Zorro the Gay Blade"; Walt Disney's "Condorman" and Lorimar's "Victory" and "S.O.B." It is not that all of those movies were spurned by audiences. Some simply cost too much. Unlike Columbia's "Nobody's Perfekt" and Paramount's "Gas," which sank in a weekend without a trace, "Dragonslayer," for example, has sold \$16 million worth of tickets.

#### Brooks Film Sinks Fast

The biggest surprise of the summer was probably Lord Grade's "The Great Muppet Caper." Two summers ago "The Muppet Movie" grossed more than \$60 million. "The Great Muppet Caper," which was expected to be one of the summer's top hits and which got almost unanimously good reviews, has sold slightly more than \$20 million worth of tickets. One studio president, casting around for an explanation, suggests that putting "Caper" in the title of the sequel was a mistake, because caper movies have done poorly for several years.

Success and failure, of course, are relative. Mel Brooks's "History of the World, Part I" grossed \$23 million but is a considerable disappointment to Fox because tracking studies had shown that the movie was eagerly awaited and because such Mel Brooks movies as "Blazing Saddles" and "Young Frankenstein" have sold more than \$80 million worth of tickets each. "History of the World" did, indeed, have a smashing first week. Then its ticket sales shriveled because of poor word of mouth.

Similarly, Polygram had great expectations that "Endless Love" with Brooke Shields would be this summer's make-out movie for teenagers. Again, the movie - which has grossed \$23 million - opened well but was defeated by word of mouth. A second eagerly awaited Polygram movie, John Landis's "An American Werewolf in London," has, so far, also been a disappointment, but ticket sales are picking up.

#### 'Arthur' Starts Slowly

And how box-office dollars translate into profit and loss is another question entirely. By the time a film has played its 10 or 12 weeks, the studio that distributed the movie ends up with approximately 50 percent of the money taken in by the theaters. But a studio's arrangements with theater owners always provide for splendid terms during the film's first few weeks. A movie like "Superman II," which broke 17 records during its first three weeks, and "Cannonball Run," which had almost exhausted its public by the end of the first month, earn considerably more money in film rentals for the distributor - perhaps 60 percent of ticket sales - than a movie that starts slowly and builds.

Orion's "Arthur," a kind-spirited comedy starring Dudley Moore as a drunken playboy, opened poorly and has been increasing its audience ever since. "Arthur" has now grossed \$39 million and is in sixth place for the summer, just in front of Columbia's "Cheech and Chong's Nice Dreams" at \$35 million. It will probably pass "The Four Seasons" and "For Your Eyes Only" in ticket sales, but may not equal them in film rentals.

The complexities of financing, including who puts up how much of the money, and of marketing - Paramount spent a relatively small \$4.5 million advertising "Dragonslayer" while Filmways spent more than \$10 million advertising "Blow Out" -make comparisons difficult. The producer of the "Superman" movies, for example, was complaining that the movies were still in the red even after "Superman II" had sold \$100 million worth of tickets in Europe, but he was not about to show his books to prove the point.

# The Biggest Winners

Paramount's financial arrangements for the \$21 million "Raiders of the Lost Ark" are cloaked in secrecy. Despite the fact that Mr. Lucas and Mr. Spielberg will receive a whopping percentage of the profits, Paramount will not do badly, however. After deducting the film's marketing costs, the cost of making negatives, and payments to Mr. Lucas and Mr. Spielberg, Paramount will make a profit of approximately \$23 million on the \$72 million in film rentals that the film has already earned.

Who are the biggest winners of the summer? Alan Alda became a bankable movie star with "The Four Seasons." Bill Murray - with "Stripes" following last summer's "Caddyshack" and 1979's "Meatballs" - and never mind the embarrassment of "Where the Buffalo Roam" - is solidly established as a star, as is Dudley Moore with "Arthur," following "10" - and never mind the embarrassment of "Wholly Moses."

Two Solid M-G-M Hits

Among the new film makers, Steve Gordon, the writer-director of "Arthur," and Larry Kasdan, the screenwriter for "Raiders of the Lost Ark" and the writer-director of "Body Heat," a 1980 film noir that opened well at the end of the summer - will be most in demand for next summer. And George Lucas still has his magical rapport with audiences: The re-release of his "The Empire Strikes Back" has grossed \$24 million.

Metro-Goldwyn-Mayer has the psychological boost of two solid boxoffice successes after the failure of almost all its 1980 films. And because both movies were modestly budgeted, the profits are high. "Clash of the Titans," which cost \$9 million, has grossed \$31 million and appears to be doing sensationally abroad. Bo Derek's \$6 million "Tarzan the Ape Man," which was critically reviled, has also grossed \$31 million.

"But the biggest winner was the industry," said Frank Mancusco, president of distribution at Paramount. "This summer put faith back into the industry."

**GRAPHIC:** Illustrations: 4 photos of movies

Source: News & Business > Combined Sources > Major US Newspapers

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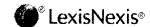
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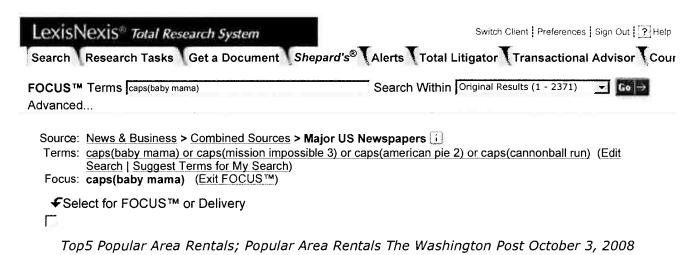
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Friday

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The Washington Post

October 3, 2008 Friday
Every Edition

SECTION: WEEKEND; Pg. WE36

**DISTRIBUTION:** Prince George's County

LENGTH: 23 words

**HEADLINE:** Top5 Popular Area Rentals;

Popular Area Rentals

## **BODY:**

1. "Sex and the City: The Movie"

2. "Leatherheads"

3. "Made of Honor"

4. "Speed Racer"

5. "Baby Mama"

SOURCE: Netflix, for the week ended Sept. 27.

LOAD-DATE: October 3, 2008

Source: News & Business > Combined Sources > Major US Newspapers

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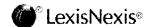
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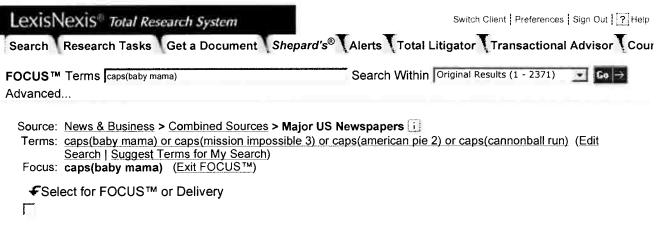
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TOP FILMS The Houston Chronicle July 3, 2008 Thursday

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July 3, 2008 Thursday 3 STAR EDITION

**SECTION:** PREVIEW; Pg. 18

**LENGTH:** 219 words

**HEADLINE: TOP FILMS** 

**BYLINE:** Staff

**BODY:** 

These were the top-grossing movies at North American theaters, followed by weekend gross, total gross and number of weeks in release, as compiled by Exhibitor Relations Co. Inc. and ACNielsen EDI Inc.:

- 1. Wall-E, \$63,087,526, one week.
- 2. Wanted, \$50,927,085, one week.
- 3. Get Smart, \$20,211,242, \$77,477,031, two weeks.
- 4. Kung Fu Panda, \$11,692,061, \$179,276,754, four weeks.
- 5. The Incredible Hulk, \$9,577,245, \$115,859,210, three weeks.
- 6. The Love Guru, \$5,340,895, \$25,222,377, two weeks.
- 7. Indiana Jones and the Kingdom of the Crystal Skull, \$5,179,960, \$300,085,447, six weeks.
- 8. The Happening, \$3,907,948, \$59,120,854, three weeks.

- 9. Sex and the City, \$3,808,288, \$140,170,362, five weeks.
- 10. You Don't Mess With the Zohan, \$3,175,214, \$91,190,129, four weeks.
- 11. Iron Man, \$2,257,113, \$309,179,318, nine weeks.
- 12. The Chronicles of Narnia: Prince Caspian, \$1,037,841, \$137,665,472, seven weeks.
- 13. Mongol, \$812,862, \$2,288,109, four weeks.
- 14. The Strangers, \$632,115, \$51,519,705, five weeks.
- 15. What Happens in Vegas, \$370,726, \$78,344,563, eight weeks.
- 16. The Visitor, \$295,387, \$7,651,884, 12 weeks.
- 17. **Baby Mama**, \$205,720, \$59,644,700, 10 weeks.
- 18. Made of Honor, \$190,960, \$46,012,734, nine weeks.
- 19. Thoda Pyaar Thoda Magic, \$181,610, one week.
- 20. Forgetting Sarah Marshall, \$124,165, \$62,725,000, 11 weeks.

LOAD-DATE: July 4, 2008

Source: News & Business > Combined Sources > Major US Newspapers i

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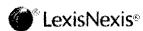
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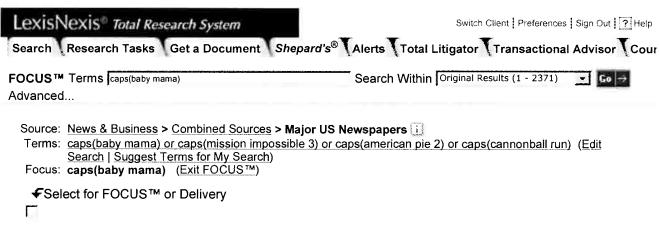
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TOP FILMS The Houston Chronicle June 26, 2008 Thursday

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June 26, 2008 Thursday 3 STAR EDITION

**SECTION:** PREVIEW; Pg. 18

**LENGTH:** 224 words

**HEADLINE: TOP FILMS** 

**BYLINE:** Staff

**BODY:** 

These were the top-grossing movies at North American theaters, followed by weekend gross, total gross and number of weeks in release, as compiled by Exhibitor Relations Co. Inc. and ACNielsen EDI Inc.:

- 1. Get Smart, \$38,683,480, one week.
- 2. The Incredible Hulk, \$22,136,060, \$97,055,430, two weeks.
- 3. Kung Fu Panda, \$21,934,716, \$155,830,875, three weeks.
- 4. The Love Guru, \$13,907,130, one week.
- 5. The Happening, \$10,482,146, \$50,749,495, two weeks.
- 6. Indiana Jones and the Kingdom of the Crystal Skull, \$8,540,313, \$290,961,044, five weeks.
- 7. You Don't Mess With the Zohan, \$7,453,215, \$84,308,418, three weeks.
- 8. Sex and the City, \$6,532,394, \$132,452,769, four weeks.

- 9. Iron Man, \$4,030,272, \$304,816,141, eight weeks.
- 10. The Strangers, \$2,122,410, \$49,759,735, four weeks.
- 11. The Chronicles of Narnia: Prince Caspian, \$1,790,715, \$135,549,086, six weeks.
- 12. What Happens in Vegas, \$791,628, \$77,543,162, seven weeks.
- 13. Mongol, \$778,963, \$1,149,760, three weeks.
- 14. The Visitor, \$383,584, \$7,192,751, 11 weeks.
- 15. **Baby Mama**, \$247,160, \$59,290,980, nine weeks.
- 16. Kit Kittredge: An American Girl, \$220,297, \$220,297, one week.
- 17. Forgetting Sarah Marshall, \$202,540, \$62,483,490, 10 weeks.
- 18. Made of Honor, \$166,972, \$45,744,707, eight weeks.
- 19. Speed Racer, \$152,674, \$42,737,927, seven weeks.
- 20. Nim's Island, \$150,881, \$46,970,329, 12 weeks.

**GRAPHIC:** Photo: BOX-OFFICE BEAR: Po, the lead character voiced by Jack Black in "Kung Fu Panda," is still a hit among movie goers. The film has grossed more than \$155 million in three weeks.

DREAMWORKS ANIMATION

LOAD-DATE: June 27, 2008

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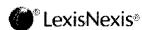
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BOX OFFICE CHART THE DALLAS MORNING NEWS June 20, 2008 Friday

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# Dallas News. com The Dallas MORNING NEWS

June 20, 2008 Friday FIRST EDITION

SECTION: GUIDELIVE; Pg. 6E

LENGTH: 349 words

**HEADLINE: BOX OFFICE CHART** 

**BODY:** 

**BOX OFFICE TOTALS CRITICAL CHOICES** 

This week

(last) Title (Studio) Weekend gross\* No. of theaters Per theater average Weeks in release Gross to date\* WFAA (Ch. 8) N.Y. Times Ent. Weekly Chi. Sun-Times L.A. Times Hollywood Reporter Dallas Morning NewsCritics Readers

- 1 (-) The Incredible Hulk (Universal) \$55.4 3,505 \$15,810 1 \$55.4 {Up} C+ B- C+ {Up} B C
- 2 (1) Kung Fu Panda (Paramount) \$33.6 4,136 \$8,127 2 \$117.3 {Up} B+ A- {Up} C+ {TriUp} B+ A
- 3 (-) The Happening (Fox) \$30.5 2,986 \$10,220 1 \$30.5 {Down} B C {Up} C {Down} C- D+
- 4 (2) You Don't Mess With the Zohan (Sony) \$16.4 3,466 \$4,723 2 \$68.8 {Down} C+ C+ {Up} C C+ D+
- 5 (3) Indiana Jones and the Kingdom of the Crystal Skull (Paramount) \$14.7 3,804 \$3,875 4 \$276.5 C B- {Up} B B B-

- 6 (4) Sex and the City (Warner Bros.) \$9.8 3,155 \$3,102 3 \$119.5 {Up} D B+ - A- B-
- 7 (6) Iron Man (Paramount) \$5.6 2,403 \$2,339 7 \$298 {Up} B B+ {Up} C+ {Up} B+ A-
- 8 (5) The Strangers (Universal) \$4.03 2,410 \$1,670 3 \$45.2 A- B- {Down} {Up} C C-
- 9 (7) The Chronicles of Narnia: Prince Caspian (Disney)  $\$3.2\ 2,308\ \$1,371\ 5\ \$131.9\ \{Up\}\ B-\{Up\}\ \{TriUp\}\ A-A-$
- 10 (8) What Happens in Vegas (Fox) \$1.7 1,422 \$1,173 6 \$75.8 {Down} D- B- C- {Down} C B-
- 11 (9) Baby Mama (Universal) \$0.442 453 \$975 8 \$58.8 {Up} C+ B B B C
- 12 (12) The Visitor (Overture Films) \$0.421 254 \$1,657 10 \$6.6 {Up} B+ B+ B+ {Up} A- A
- 13 (10) Made of Honor (Sony) \$0.303 357 \$850 7 \$45.4 {Down} C+ B C
- 14 (11) Forgetting Sarah Marshall (Universal)  $0.288 306 940 9 62.1 \{Up\} B- B+ \{Up\} TriUp\} B C+$
- 15 (14) Dr. Seuss' Horton Hears a Who! (Fox)  $0.189 294 642 14 153.4 \{Up\} C+ A- C- \{Up\} B+ B$
- 16 (13) Speed Racer (Warner Bros.) \$0.183 260 \$705 6 \$42.5 {TriDown} C- C {TriDown} A C
- 17 (18) Sea Monsters: A Prehistoric Adventure (National Geographic) \$0.169 48 \$3,517 37 \$14.2
- 18 (16) Nim's Island (Fox) \$0.165 277 \$597 11 \$46.7 B C+ {Up} C A
- 19 (15) The Fall (Roadside Attractions) \$0.153 84 \$1,818 6 \$1.36 {Up} {Up} C
- 20 (17) Then She Found Me (ThinkFilm) \$0.141 119 \$1,183 8 \$3.02 B B+ B-

\*in millions Reviews: {Up}Recommended - So-So {Down}A bomb Cast your vote: www.quidelive.com/movies.htm

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Source: News & Business > Combined Sources > Major US Newspapers

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TOPS AT THE BOX OFFICE St. Louis Post-Dispatch (Missouri) June 20, 2008 Friday

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> June 20, 2008 Friday THIRD EDITION

SECTION: SCREENS; Pg. E6

LENGTH: 305 words

**HEADLINE:** TOPS AT THE BOX OFFICE

**BYLINE:** THE ASSOCIATED PRESS

**BODY:** 

The top movies at U.S. and Canadian theaters Friday through Sunday, followed by distribution studio, gross, number of theater locations, average receipts per location, total gross and number of weeks in release, as compiled Monday by Media By Numbers LLC are:

- 1. "The Incredible Hulk," Universal, \$55,414,050, 3,505 locations, \$15,810 average, \$55,414,050, one week.
- 2. "Kung Fu Panda," Paramount, \$33,612,594, 4,136 locations, \$8,127 average, \$117,289,932, two weeks.
- 3. "The Happening," Fox, \$30,517,109, 2,986 locations, \$10,220 average, \$30,517,109, one week.
- 4. "You Don't Mess With the Zohan," Sony, \$16,370,344, 3,466 locations, \$4,723 average, \$68,760,685, two weeks.
- 5. "Indiana Jones and the Kingdom of the Crystal Skull," Paramount, \$14,741,834, 3,804 locations, \$3,875 average, \$276,524,265, four weeks.
- 6. "Sex and the City," Warner Bros., \$9,788,353, 3,155 locations, \$3,102 average, \$119,522,016, three weeks.

- 7. "Iron Man," Paramount, \$5,620,375, 2,403 locations, \$2,339 average, \$297,918,329, seven weeks.
- 8. "The Strangers," Universal, \$4,024,485, 2,410 locations, \$1,670 average, \$45,287,220, three weeks.
- 9. "The Chronicles of Narnia: Prince Caspian," Disney, \$3,165,013, 2,308 locations, \$1,371 average, \$131,904,474, five weeks.
- 10. "What Happens in Vegas," Fox, \$1,667,587, 1,422 locations, \$1,173 average, \$75,755,145, six weeks.
- 11. "Baby Mama," Universal, \$441,685, 453 locations, \$975 average, \$58,797,040, eight weeks.
- 12. "The Visitor," Overture Films, \$420,928, 254 locations, \$1,657 average, \$6,621,330, 10 weeks.
- 13. "Made of Honor," Sony, \$303,434, 357 locations, \$850 average, \$45,400,892, seven
- 14. "Forgetting Sarah Marshall," Universal, \$287,625, 306 locations, \$940 average, \$62,106,520, nine weeks.
- 15. "Dr. Seuss' Horton Hears a Who!," Fox, \$188,736, 294 locations, \$642 average, \$153,355,932, 14 weeks.

LOAD-DATE: June 20, 2008

Source: News & Business > Combined Sources > Major US Newspapers is

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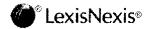
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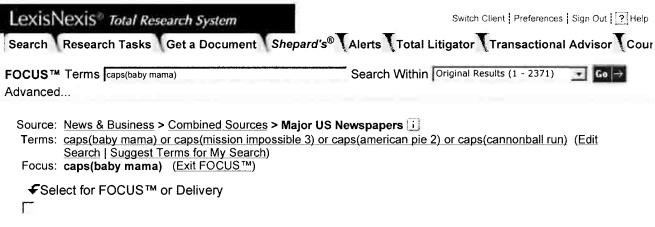
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TOP FILMS The Houston Chronicle June 19, 2008 Thursday

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June 19, 2008 Thursday 3 STAR EDITION

**SECTION:** PREVIEW; Pg. 18

LENGTH: 229 words

**HEADLINE: TOP FILMS** 

**BYLINE:** Staff

**BODY:** 

These were the top-grossing movies at North American theaters, followed by weekend gross, total gross and number of weeks in release, as compiled by Exhibitor Relations Co. Inc. and ACNielsen EDI Inc.:

- 1. The Incredible Hulk, \$55,414,050, one week.
- 2. Kung Fu Panda, \$33,612,594, \$117,289,932, two weeks.
- 3. The Happening, \$30,517,109, one week.
- 4. You Don't Mess With the Zohan, \$16,370,344, \$68,760,685, two weeks.
- 5. Indiana Jones and the Kingdom of the Crystal Skull, \$14,741,834, \$276,524,265, four weeks.
- 6. Sex and the City, \$9,788,353, \$119,522,016, three weeks.
- 7. Iron Man, \$5,620,375, \$297,918,329, seven weeks.
- 8. The Strangers, \$4,024,485, \$45,287,220, three weeks.

- 9. The Chronicles of Narnia: Prince Caspian, \$3,165,013, \$131,904,474, five weeks.
- 10. What Happens in Vegas, \$1,667,587, \$75,755,145, six weeks.
- 11. **Baby Mama**, \$441,685, \$58,797,040, eight weeks.
- 12. The Visitor, \$420,928, \$6,621,330, 10 weeks.
- 13. Made of Honor, \$303,434, \$45,400,892, seven weeks.
- 14. Forgetting Sarah Marshall, \$287,625, \$62,106,520, nine weeks.
- 15. Dr. Seuss' Horton Hears a Who!, \$188,736, \$153,355,932, 14 weeks.
- 16. Speed Racer, \$183,385, \$42,504,512, six weeks.
- 17. Sea Monsters: A Prehistoric Adventure, \$168,794, \$14,218,128, 37 weeks.
- 18. Nim's Island, \$165,442, \$46,694,283, 11 weeks.
- 19. The Fall, \$152,713, \$1,364,206, six weeks.
- 20. Then She Found Me, \$140,762, \$3,020,648, eight weeks.

**LOAD-DATE:** June 19, 2008

Source: News & Business > Combined Sources > Major US Newspapers [i]

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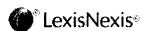
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Top 10 Times-Picayune (New Orleans) June 13, 2008 Friday

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June 13, 2008 Friday

SECTION: LAGNIAPPE; Reel winners; Pg. 5

LENGTH: 216 words

**HEADLINE:** Top 10

**BODY:** 

at the box office

JUNE 6 - 8

KEY: The top 10 movies are followed by distributor, weekend gross, cumulative gross and number of weeks in release.

- 1. Kung Fu Panda, Paramount, \$60.2 million, \$60.2 million, one week.
- 2. You Don't Mess With the Zohan, Sony, \$38.5 million, \$38.5 million, one week.
- 3. Indiana Jones and the Kingdom of the Crystal Skull, Paramount, \$22.8 million, \$253 million, three weeks.
- 4. Sex and the City, Warner Bros, \$21.2 million, \$99.2 million, two weeks.
- 5. The Strangers, Universal, \$8.9 million, \$37.3 million, two weeks.
- 6. Iron Man, Paramount, \$7.5 million, \$288.8 million, six weeks.
- 7. The Chronicles of Narnia: Prince Caspian, Disney, \$5.7 million, \$126 million, four weeks.
- 8. What Happens in Vegas, Fox, \$3.4 million, \$72.3 million, five weeks.
- 9. **Baby Mama**, Universal, \$0.8 million, \$57.9 million, seven weeks.

- 10. Made of Honor, Sony, \$0.8 million, \$44.7 million, six weeks.
- --- Coming up ---
- --- JUNE 20 ---

Get Smart

Steve Carell, Anne Hathaway and Dwayne "No Longer Known as 'The Rock' " Johnson revive Mel Brooks' TV spy spoof for the big screen.

The Love Guru

Funnyman Mike Myers puts the voiceover work on hold and appears on screen for the first time in five years with his latest wacky character, Guru Pitka, who wants nothing more than to break into the American self-help biz.

**LOAD-DATE:** June 13, 2008

Source: News & Business > Combined Sources > Major US Newspapers [i]

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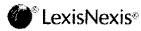
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Weekend box office Los Angeles Times June 10, 2008 Tuesday

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> June 10, 2008 Tuesday Home Edition

SECTION: BUSINESS; Business Desk; Part C; Pg. 2

LENGTH: 219 words

**HEADLINE:** Weekend box office

**BODY:** 

"Kung Fu Panda" won the battle of new comedies, topping the box office for <a href="DreamWorks Animation SKG">DreamWorks Animation SKG</a> and distributor Paramount Pictures, while "You Don't Mess With the Zohan" met expectations for Sony Pictures, thanks to consistent draw Adam Sandler. Sales in the U.S. and Canada, June 6-8:

Industry totals

industry totals						
··· ·	Movie	3-day gross	Total	Venues	Avg/	Weeks
	(studio)	(mill.)	(mill.)		venue	
1	Kung Fu Panda	\$60.2	\$60.2	4,114	\$14,642	1
***	(Paramount)					
2	You Don't Mess	\$38.5	\$38.5	3,462	11,130	1
	With the Zohan					
	(Sony)	age ear			*** ***	
3	Indiana Jones	\$22.8	\$253.0	4,190	5,440	3
	and the Kingdom	***				
	of the Crystal					
	Skull					
	(Paramount)				-	

4	Sex and	\$21.2	\$99.2	3,325	6,381	2
600 AND	the City					
ton da	(Warner Bros.)					
5	The Strangers	\$8.9	\$37.3	2,477	3,610	2
	(Universal)					
6	Iron Man	\$7.5	\$288.8	2,931	2,551	6
	(Paramount)					
7	The Chronicles	5.7	126.0	3,065	1,846	4
	of Narnia:					
	Prince Caspian					
	(Disney)					
8	What Happens	\$3.4	\$72.3	2,366	1,453	5
	in Vegas					
	(20th Century					
	Fox)					
9	Baby Mama	\$0.8	\$57.9	922	875	7
(Universal)						
10	Made of	\$0.8	\$44.7	740	1,087	6
	Honor (Sony)				our war	
3-day gross	Change	Year-to-date gross			Change	
(in millions)	from 2007	(in billions)			from 2007	
\$174.6	+28.9%		•	\$3.81		1.6%

Note: A movie may be shown on more than one screen at each venue.

Source: Media by Numbers

Los Angeles Times

**LOAD-DATE:** June 10, 2008

Source: News & Business > Combined Sources > Major US Newspapers

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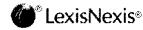
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Reel winners Times-Picayune (New Orleans) June 6, 2008 Friday

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June 6, 2008 Friday

SECTION: LAGNIAPPE; Reel winners; Pg. 5

LENGTH: 245 words

**HEADLINE:** Reel winners

**BODY:** 

Top 10 at the box office

MAY 30-JUNE 1

KEY: The top 10 movies are followed by distributor, weekend gross, cumulative gross and number of weeks in release.

- 1. Sex and the City, Warner Bros., \$56.8 million, \$56.8 million, one week.
- 2. Indiana Jones and the Kingdom of the Crystal Skull, Paramount, \$44.8 million, \$215.6 million, two weeks.
- 3. The Strangers, Universal, \$21 million, \$21 million, one week.
- 4. Iron Man, Paramount, \$13.5 million, \$276.2 million, five weeks.
- 5. The Chronicles of Narnia: Prince Caspian, Disney, \$12.7 million, \$115.4 million, three weeks.
- 6. What Happens in Vegas, Fox, \$6.7 million, \$65.9 million, four weeks.
- 7. Speed Racer, Warner Bros., \$2.3 million, \$40.7 million, four weeks.
- 8. **Baby Mama**, Universal, \$2.2 million, \$56 million, six weeks.

- 9. Made of Honor, Sony, \$1.9 million, \$42.9 million, five weeks.
- 10. Forgetting Sarah Marshall, Universal, \$1 million, \$60.5 million, seven weeks.

Coming up

**JUNE 13** 

The Happening

M. Night Shyamalan brings his latest supernatural thriller to the big screen. Though details are being kept hush-hush, it stars Mark Wahlberg, Zooey Deschael and John Leguizamo, on the run from a threat to all of humanity. (I see lots of dead people.)

The Incredible Hulk

The Marvel Comics hero gets a new lease on life, with a reboot coming five years after Ang Lee's disappointing "Hulk." This time, Edward Norton plays the role of scientist Bruce Banner, with Liv Tyler, Tim Roth and William Hurt co-starring. Louis Leterrier directs.

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